[Proof.

No. 34. [ISSUED THURSDAY, 2ND SEPTEMBER, 1920.

COMMONWEALTH OF AUSTRALIA.

PARLIAMENTARY DEBATES.

FIRST SESSION, 1920.

CONTENTS.

PRICE, including Postage, 2s. 6d. per annum, or 2d. per number. Subscriptions should be to the Government Printer, Melbourne.

EIGHTH PARLIAMENT.

FIRST SESSION.

Governor-General.

His Excellency the Right Honorable Sir RONALD CRAUFURD MUNRO FERGUSON, a Member of His Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Commander-in-Chief in and over the Commonwealth of Australia.

Australian National Government.

(*From 10th January*, 1918.)

Prime Minister and Attorney-General ..	The Right Honorable William Morris Hughes, P.C., K.C.
Minister for the Navy	The Right Honorable Sir Joseph Cook, P.C., G.C.M.G.
	Succeeded by
	The Honorable W. H. Laird Smith (28th July, 1920).
Treasurer	The Right Honorable Lord Forrest, P.C., G.C.M.G.
	Succeeded by
	The Right Honorable William Alexander Watt, P.C. (27th March, 1918.)††††
	Succeeded by
	The Right Honorable Sir Joseph Cook, P.C., G.C.M.G. (28th July, 1920).
Minister for Defence	The Honorable George Foster Pearce.
Minister for Repatriation	The Honorable Edward Davis Millen.
Minister for Works and Railways ..	The Right Honorable William Alexander Watt, P.C.
	Succeeded by
	The Honorable Littleton Ernest Groom (27th March, 1918).
Minister for Home and Territories ..	The Honorable Patrick McMahon Glynn K.C. †††
	Succeeded by
	The Honorable Alexander Poynton (4th February, 1920).
Minister for Trade and Customs	The Honorable Jens August Jensen.†
	Succeeded by
	The Right Honorable William Alexander Watt, P.C. (13th December, 1918).
	Succeeded by
	The Honorable Walter Massy Greene (17th January, 1919).
Postmaster-General	The Honorable William Webster. †††
	Succeeded by
	The Honorable George Henry Wise (4th February, 1920).
Vice-President of the Executive Council ..	The Honorable Littleton Ernest Groom.
	Succeeded by
	The Honorable Edward John Russell (27th March, 1918).
Honorary Minister	The Honorable Edward John Russell.
	Appointed Vice-President of the Executive Council, 27th March, 1918.
Honorary Minister	The Honorable Alexander Poynton.
	Appointed Minister for Home and Territories, 4th February, 1920
Honorary Minister	The Honorable George Henry Wise.
	Appointed Postmaster-General, 4th February, 1920.
Honorary Minister	The Honorable Walter Massy Greene.
	Appointed Minister for Trade and Customs, 17th January, 1919.*
Honorary Minister	The Honorable Richard Beaumont Orchard**
Honorary Minister	The Honorable Sir Granville de Laune Ryrie, K.C.M.G., C.B., V.D. ††
Honorary Minister	The Honorable William Henry Laird Smith.††
	Appointed Minister for the Navy, 28th July, 1920.
Honorary Minister	The Honorable Arthur Stanislaus Rodgers.***

* Appointed 26th March, 1918.——† Removed from office, 13th December, 1918.——** Resigned office, 31st January, 1919.——†† Appointed 4th February, 1920.——††† Resigned 3rd February, 1920.——†††† Resignation from office gazetted, 15th June, 1920.——*** Appointed 28th July, 1920.

Senators.

(*From 1st July*, 1920.)

President—Senator the Honorable Thomas Givens.

Chairman of Committees—Senator Thomas Jerome Kingston Bakhap.

*Adamson, John, C.B.E. (Q.)
Bakhap, Thomas Jerome Kingston (T.)
*Benny, Benjamin (S.A.)
Bolton, William Kinsey, C.B.E., V.D. (V.)
[3]Buzacott, Richard (W.A.)
*Cox, Charles Frederick, C.B., C.M.G. (N.S.W.)
Crawford, Thomas William (Q.)
De Largie, Hon. Hugh (W.A.)
*Drake-Brockman, Edmund Alfred, C.B., C.M.G., D.S.O. (W.A.)
*Duncan, Walter Leslie (N.S.W.)
Earle, Hon. John (T.)
Elliott, Harold Edward, C.B., C.M.G., D.S.O., D.C.M. (V.)
[illegible]airbairn, George (V.)
[illegible]ll, Hattil Spencer (Q.)
[illegible]ter, George Matthew (T.)
[illegible]liner, Albert (N.S.W.)
[illegible]s, Hon. Thomas (Q.)
*Glasgow, Sir Thomas William, K.C.B., C.M.G., D.S.O. (Q.)
*Guthrie, James Francis (V.)
Guthrie, Robert Storrie (S.A.)
Henderson, George (W.A.)
Keating, Hon. John Henry (T.)
*Lynch, Patrick Joseph (W.A.)
Millen, Hon. Edward Davis (N.S.W.)
*Millen, John Dunlop (T.)
*[1]Newland, John (S.A.)
*Payne, Hon. Herbert James Mockford (T.)
[2]Pearce, Hon. George Foster (W.A.)
[1]Plain, William (V.)
Pratten, Herbert Edward (N.S.W.)
Reid, Matthew (Q.)
[1]Rowell, James, C.B. (S.A.)
*Russell, Hon. Edward John (V.)
Senior, William (S.A.)
Thomas, Hon. Josiah (N.S.W.)
*Wilson, Reginald Victor (S.A.)

[illegible]pointed Temporary Chairman of Committees, 21st July, 1920. 2. Elected 13th December, 1919. Sworn 21st July, 1920. 3. Appointed Temporary Chairman of Committees, 26th February, 1920.
* Elected 13th December, 1919. Sworn, 1st July, 1920.

Senate.

Friday, 27 August, 1920.

The President (Senator the Hon. T. Givens) took the chair at 11 a.m., and read prayers.

NAVY.

Pollution of Sydney Harbor.

Senator PRATTEN asked the Minister representing the Minister for the Navy, *upon notice*—

What steps have been taken by the Captain-in-charge of H.M.A. Naval Establishments, Garden Island, Sydney, to remedy the many complaints that have been made regarding the pollution of the waters of Sydney Harbor by the ships, lighters, and oil vessels of H.M.A. Navy?

Senator PEARCE.—The following reply is supplied by the Minister for the Navy:—

The following instructions have been issued to the Fleet:—

Oil and Débris in Sydney Harbor.

1. All bilges should be flushed through and pumped out before entering the harbor.
2. Care should be taken that there is no oil in the bilges, when bilges are flushed through and pumped out in harbor.
3. Care should be taken that no fuel oil is pumped overboard whilst ship is in harbor.
4. After taking in oil fuel, care should be taken that no oil fuel escapes into the harbor when disconnecting the hoses.
5. When cleaning out oil fuel tanks in harbor the refuse is not to be thrown overboard.
6. Oil fuel tanks are not to be flushed out in harbor.
7. No ashes, food, refuse, disused clothing, broken cases, woodwork, or *débris* of any kind are to be thrown overboard in harbor.

The attention of Commanding Officers is called to the fine of £100 forfeited under section 86 of the Sydney Harbor Trust Act 1900, given in Sydney Port Order No. 12.

WAR SERVICE HOMES BILL.

Report adopted.

PAPER.

The following paper was presented:—

Public Service Act—Promotions—Department of the Treasury—S. R. Peterson, H. L. Cox, B. Perrin, H. H. Emmett, F. B. Lee, J. V. Hawtin, H. H. Trebilco, R. J. Mair, E. W. Tunks, W. R. Kinane.

INDUSTRIAL PEACE BILL.

Second Reading.

Debate resumed from Thursday, August 26, 1920 (*vide* page 3855), on motion by Senator Russell—

That this Bill be now read a second time.

Senator PRATTEN (New South Wales) [11.5].—It is not my intention to traverse the many able speeches delivered in this chamber on this Bill. We have had the question of industrial unrest put before us from very many angles. I believe the discussion upon this Bill will help to solve in some way, perhaps, the most difficult problem with which the Commonwealth is faced to-day. "Man's inhumanity to man" has not been experienced to the same extent in Australia as in older countries. Neither have we experienced any of the very shocking conditions that were the outstanding feature of the Victorian manufacturing era in Europe. We know nothing of that bare line of subsistence upon which the agricultural labourers in the older countries had to live for generations. We know nothing either of the back-to-back houses built in industrial centres which to-day are amongst the most shocking slums anywhere on the earth. We know nothing of child labour as it is known in older countries. And I am thankful to say that we know nothing either in Australia of the dictum that we ought to be satisfied with the condition of life in which Providence has placed us, our hope lying in the reward we have to look to in the next world.

From an experience of industrial conditions extending over the last thirty-five years in Australia I must say that we have evolved a long way from those which existed at the beginning of that period. I remember a time, perhaps thirty years ago now, when the first Factories Act was being considered in New South Wales by a meeting of manufacturers, that there was evidently, then, unreasonableness on the part of many employers. One little incident this connexion has stuck in my mind all through the years, and it was one very wealthy employer who thought he was about to be almost ruined connexion with the many hundreds he employed, because there was in the Factories Act to which

which gave employees five minutes before knocking-off time to wash their hands. We have progressed a long way since then, and to-day there is a greater recognition of the fact that, after all, we are one brotherhood, and that, partly by voluntary effort and partly by means of laws placed on the statute-book, the past bad old days are gone, never to return.

Coming to the present, there is to-day a growing feeling amongst all—rich and poor, educated and ignorant—that birth, rank and wealth are not sacrosanct; that the day of the lord, the squire, and the parson has passed; and that the worker has a right to a fair, aye and a good and full, share of the products of his labour.

In my opinion, we shall never get rid of unrest. One writer has coined the phrase that "Dissatisfaction is the key of progress." A poet has sung of "divine dissatisfaction"; and, unless we have something within ourselves that bids us go onward and upward, we, as a community, will stagnate. Therefore, I do not look upon unrest or dissatisfaction as in themselves harmful to the community. We can reasonably ask ourselves whether the great industrial unrest spreading throughout the world, in an accentuated form since the war, is justifiable. An examination of the position will show that, where the greatest profits have been made, and consequently where there is the greatest resentment on the part of the worker at those undue and unfair profits, there is the greatest industrial unrest. We have heard in this Chamber that, perhaps, in the United States of America to-day there is greater industrial unrest than in any other country that has been at war. That may be due to the fact that 20,000 more persons in the United States of America have, as a result of the war, raised themselves to the comfortable and nviable position of millionaires. In ngland there is a considerable amount unrest, and justifiable unrest, because te recently one of the professors of omics at the Cambridge University he people of England that, in spite 'so-called waste of the war and f the war, the national income of ted Kingdom to-day is almost hat it was before the war. The cess profits tax, from which the t collected over £1,000,000 per

Pratten.

day in revenue, also shows that a huge amount of profiteering has gone on there, and consequently, perhaps, a greater rise in the cost of living has resulted there than in any other part of the Empire. It seems to me that, if profits increase, and, as a consequence, the cost of living goes rapidly upwards, in spite of higher wages the worker is very little, if any, better off. We in Australia have our own problem; not, I believe, so acute as the problem in the United States of America and the United Kingdom, but we still have here a fair amount of industrial unrest.

I regard this Bill as another milestone marking the evolution of reasonable industrial conditions. Tracing briefly the course of legislation of this sort, I go back to the year 1891, when the late Mr. B. R. Wise, in the State Parliament of New South Wales, for the first time in Australia, placed upon the statute-book a Compulsory Arbitration Act.

Senator DE LARGIE.—No; the honorable senator is in error there. There was one on the statute-book of Western Australia prior to that.

Senator PRATTEN.—I think that the new ground broken in New South Wales, in the year 1891, by the late Mr. B. R. Wise marked the beginning of an epoch, so far as arbitration laws in the Commonwealth are concerned.

Senator DE LARGIE.—I can assure the honorable senator that the first country after New Zealand to pass an arbitration law was Western Australia.

Senator HENDERSON.—Everything was voluntary in New South Wales in the year 1894. I can say so, because I conducted the first case before the Court.

Senator PRATTEN.—In 1891, I had considerable experience with an Arbitration Bill as it concerned certain industrial unions of employers.

Senator THOMAS.—In 1891?

Senator PRATTEN.—Yes.

Senator THOMAS.—That was not compulsory.

Senator PRATTEN.—I think the honorable senator is mistaken, as at that time I was prominently connected with the evolution that took place in the ranks of the employers. I was actively engaged in helping to form seventy or eighty industrial unions of employers, and that was when the Bill was brought in by

Mr. Wise, which made it necessary for employers and employees to organize.

Senator THOMAS.—I was present when Mr. Wise introduced the Bill, and I did not get into the State Parliament until 1894.

Senator HENDERSON.—It was a Conciliation Bill.

Senator THOMAS.—I was in the House when it was introduced.

Senator PRATTEN.—I shall back my recollections against those of other honorable senators. The Bill created an Industrial Court that was presided over by a Judge nominated by the Government, and there were representatives of employers and employees in the Court. The employers' representative was elected by eighty or ninety organizations, and the employees representative was elected by the industrial unions of employees.

Senator HENDERSON.—Who was the first chairman?

Senator PRATTEN.—Mr. Justice Heydon.

Senator HENDERSON.—No; it was Dr. Garran.

Senator PRATTEN.—I think the memories of some honorable senators are gravely at fault. The first representative of the employers was Mr. Cruickshank, and the second Mr. J. P. Wright.

Senator THOMAS.—That was in 1894.

Senator PRATTEN.—The first representative of the employees was Mr. Samuel Smith.

Senator THOMAS.—He was not elected until 1894, and he resigned to take a seat on the Board.

Senator PRATTEN.—I am not speaking of Parliaments, but of the compulsory Industrial Court that was formed as the result of the Bill introduced by Mr. Wise. Mr. Samuel Smith was the first representative of the employees, and Mr. Riley, a member of another Chamber, was the employees' representative.

Senator THOMAS.—Mr. Samuel Smith went to Parliament in 1894, and resigned his seat to go on the Board.

Senator PRATTEN.—I am relating the history of Commonwealth industrial arbitration; and the nature of the work was so harassing—it may be merely a coincidence—that two of the employers' representatives and one of the employees' representatives died practically in harness. It may have been that their deaths were accelerated by the worries and responsibilities of the position. Following on the compulsory Arbitration Bill that was introduced in New South Wales, the establishment of Wages Boards followed, and later we had Commonwealth legislation, which created a Commonwealth Arbitration Court.

The other day I came across a pronouncement of Mr. Justice Powers when he was leaving the position of Deputy President of the Commonwealth Arbitration Court, that sets out succinctly the opinions he held. He said—

> It ought to be remembered that the Commonwealth Court has only jurisdiction to settle industrial disputes extending beyond the limits of one State, and to settle claims generally; and that at least 95 per cent. of the disputes the Court is blamed—by some people—for not settling, are State disputes only.

He further says—

> That the Court is a Court of Conciliation as well as an Arbitration Court; and that that branch of the Court's work has been successfully used to the fullest extent possible. That the Court, as a compulsory Arbitration Court, was only established to be brought into action when every other method of settling disputes, except by strikes, failed—that is, to take the place of "direct action" by conciliation or arbitration. That the Act the Court has had to administer was passed in times of peace, when section 28 was a reasonable provision; but it now prevents the Court dealing, during the term of an award, with the abnormal conditions arising from the greatly increased cost of living caused through the unexpected war.

The last reference I shall make to his utterances is also *apropos* of the position we are at present dealing with. He said—

> There is nothing inconsistent with the continuance of the compulsory Arbitration Court, and the passing of legislation for "round-table conferences," Whitley's method, Chamber of Commerce methods, and American methods, and any and every other method to settle disputes without compulsory arbitration. It is only when all the methods mentioned open to the parties have failed, as they do, that compulsory arbitration or direct action must settle the dispute.

This Bill, to some extent, fills the existing in the Commonwealth Arbitration Act that has been pointed Mr. Justice Powers. It is a measure provide for optional conciliation designed, in some cases, to supplement functions of the Court, and, possible, supplement them.

enable us to get in early in industrial disputes. It creates four industrial bodies, two of which have the power to determine disputes. The most far-reaching change that I see in connexion with the industrial conditions which this Bill will bring about will be by creating a legal right for the Tribunal to inquire into the question of profits made in the production of the particular commodity under review. This is contained in the definition clause, and never previously in the history of conciliation or arbitration has it been legally recognised that profits have any relation to wages.

I believe that a certain amount of the industrial unrest current in the community is caused by partial information only being made available. For instance, our own Government Statistician publishes yearly in that very informative and complete *Year-Book* tables of the secondary production of the Commonwealth that, on the face of them, are somewhat misleading unless the figures are subjected to much scrutiny. Generally, he who scrutinizes has a fairly complete knowledge of industrial conditions. Mr. Knibbs, in his last *Year-Book*, shows that the added value to the production in the factories of the Commonwealth was £74,000,000, and the wages and salaries paid, not including working proprietors, was £36,500,000, and fuel was used valued at £4,000,000. *Knibbs* gives the balance for interest and profit and all other expenses as £33,500,000 out of a total of £74,000,000. The person cursorily examining the figures must come to the conclusion that labour does not get a fair proportion of the value it creates, but any one who has an intimate knowledge of our secondary industries and of all the expense incurred before the net profits are arrived at would take out of the difference of £33,500,000 the cost of distribution, management, insurance, gas, power, water, depreciation, rent, debts, thefts, interest on borrowed money, and one hundred and one other expenses incurred in conducting a business. For instance, the buildings that are being used for carrying on the secondary industries of the Commonwealth were valued at £[illegible],000, and the plant and machinery at £[illegible],000, so that out of the £33,500,000 which on the surface would appear to be going to the

Senator Pratten.

proprietors, the depreciation on plant and machinery alone would be nearly £5,000,000. So far as my experience goes in connexion with the profits on secondary industries of the Commonwealth, I am of the opinion that if a manufacturer makes 5 per cent. on his turnover he is doing very well indeed. If his net profit is 1s. on every £1 worth of sales he is able to pay 10 per cent. in profits on capital. When we analyze the figures of secondary industries it will be found that, in direct and indirect wages, the workers of the Commonwealth receive at least 80 per cent., the balance going in various channels, and not all to the proprietors.

Senator DE LARGIE.—On what amount of capital?

Senator PRATTEN.—That does not matter. If 10 per cent. is made on the capital, or 5 per cent. made on the turnover, wages cannot be increased very much before the line of loss is reached.

Senator J. D. MILLEN.—They discovered that in England, and Dr. Bole said that if wages were increased above £160 per annum they would not get anything at all.

Senator PRATTEN.—Quite so, but the more knowledge we can secure in relation to industry and capital the less frequently is industrial unrest likely to occur. So, obviously, if there is—let us take as an example—a jam factory, which is turning over £200,000 per annum with a capital of £50,000, and is making 5 per cent. on its turnover —which would be £10,000, or 20 per cent. on capital—and in doing that turnover it was paying £50,000 per annum in wages, a 20 per cent. increase in wages would mop up the whole of the profits made on the turnover.

Senator THOMAS.—But might there not be more efficiency if higher wages were paid?

Senator PRATTEN.—I am not at present dealing with that phase. I am assuming that in every large and successful Australian industry the question of efficiency, up to the present, has been fairly looked after. During the past ten years a great deal of attention has been given by manufacturers in the Commonwealth to factory efficiency. That has been forced on them by stress of circumstances; and, so far as my experience is concerned, particularly in

the Old Country, I can say that, in regard to efficiency, we have very little to learn from the British manufacturer.

Senator THOMAS.—Would the same comment apply to the United States of America as well?

Senator PRATTEN.—To some extent; but, with our small population, compared with that of the United States of America, we have not the opportunities to go beyond a certain point in relation to factory efficiency. Opportunities for bringing about efficiency are created, as a rule, by the volume of the turnover. The turnover in any of the large American factories is, of course, far in advance of anything known in Australia.

Although the cry of profiteering has been raised in Australia time and time again, I think it is fair to say, and for the people to know, that the profiteering which has been practised to some extent within Australia has been as nothing compared with the profiteering imposed upon us by conditions outside, and over which we have no control. We have paid millions of pounds towards the profits of outside ship-owners. The cost of our clothes is, to some extent, the result—shall I say?—of the blackmailing operations of the Yorkshire woollen manufacturers.

Senator THOMAS.—Plus the duties put on by an Australian Government.

Senator PRATTEN.—Those duties do not bear anything like the relation to the increase in the cost of clothes, as compared with pre-war days, that the price of the material to Australian users does. And we are helpless in any way to checkmate the operations of the American cotton speculators. All those factors, over which we have no control, are to some extent responsible for current industrial unrest. I am a believer in education on matters such as these. It was said during the war that, after the war, there would be a new world. I believe there will be a new world, and that the new world has been ushered in by the world's Democracy refusing to continue to be led, as in the past, by the kings and princes who have been placed in authority over them. We are marching towards a point—which will be reached, perhaps, in a generation or less—when the power of wealth, and wealth itself, will have to be limited. We are advancing towards a point where every man who works and performs his reasonable share in the realm of production will be entitled by his very manhood to a fair amount of sunshine in his life; will have the right to live in comfort and content, and not be a prey to the power of money. I know that the elysium is not yet here, but we are marching on. And probate duties, and graduated taxation, and Whitley Committees, and legislation of the character that is now before the Senate—which will, for the first time in the history of conciliation, legally entitle the workers to know what profits are being made in an industry—are indications that we are progressing.

Something has been said regarding co-operation and profit-sharing. There has been a certain amount of pecking at the principle in Australia; there have been experimental efforts in that direction. Some firms have allocated, out of their large profits, a small sum, perhaps, for the benefit of their employees. In certain companies, upon construction or reconstruction, a small proportion of shares has been ear-marked for employees; for which, sometimes, they have had to pay. But I do not consider that methods such as those will satisfy the worker. We must realize now that Labour for the future will demand, and be entitled to, a greater share in what it produces. One scheme of co-operation which has appealed to me in connexion with attempts to solve this very knotty question is based upon the payment to capital of wages; that item of wages being equivalent to 5 per cent. And, after the wages of the workers have been paid, and after that 5 per cent. has been disbursed as wages to capital, the profits are equally distributed *pro ratâ* to the sum total of the wages paid and the capital employed in the business. For instance, if there were a factory or a business which was using £50,000 in order to carry with a turnover of £200,000 per annum and having a wages bill of £50,000 annum; and, assuming that that bu made £5,000 profit in the year, or 1 cent on the capital; then labour, that, would be entitled to £1,2 make myself perfectly clear, that capital would have to be paid 5 or £2,500; and, inasmuch as t paid away £50,000 per annum an equal amount to the capit in the business—the differenc

profit made over and above the 5 per cent. on capital would be halved as between the capital used and the wages paid. This scheme has a good many potentialities and is worth some attention from generous-minded employers who look into the future. For I believe that the workers, if they actually knew what was going on, and were absolutely convinced that capital, which is the sum total of the thrift and the savings of the people, is only getting a fair thing, would be content to go on, and not go slow; willing to produce more, and so make more profit, a fair share of which they would receive.

This measure will be voluntary in its application, and its success will depend entirely upon whether or not Labour plays the game. It does not provide penalties in order to compel adherence to the determinations arrived at. Labour has its duties, and, I hope, will not always be obsessed by the freakish doctrine that the less work performed the richer will be every one concerned. Increased costs always hit back. I was recently provided with a vivid illustration of what was going on in the building trade in Sydney. Bricklayers in New South Wales have got so far down as to be laying, in some cases, only 200 or 300 bricks a day. An architect of my acquaintance told me that he came across a few bricklayers who wanted to make a little money, and who accepted a contract job at the rate of £3 per 1,000. Two of these bricklayers were constructing, upon one specific job, at the rate of one story a week, and they were laying bricks at an average rate of 1,500 per day —greatly, of course, to the benefit of the house-builder and of themselves.

There is another problem connected with the question of industrial unrest, and that is the problem of what is to be done with our boys. I attended a function last week at which Mr. Dooley, the new Labour Chief Secretary of New South Wales, made public pronouncement to the effect that Government was seriously concerned the question of apprenticeship and provers, and with the fact that by great a proportion of our youths owing into manhood with no trade hands, and that the ranks of our and tradesmen would become as the years went on unless some- tive were done. I listened with e regret a few days ago to the the Minister for Repatriation D. Millen), wherein he

atten.

touched very lightly upon the attitude of the trade unions regarding the absorption of returned soldier vocational trainees. The Minister remarked that there was some difficulty in getting our returned men into the ranks of the trade unions. In that respect Labour, again, should play the game.

Another consideration of which we must not lose sight in connexion with this vast industrial problem, which is, after all, the key to all our problems, is that the well-to-do section of the community pays nearly all our taxation. The £15,000,000 that will probably be raised during this years by means of income taxation, land taxation, and probate duties will be paid out of the profits of the industrial businesses of which we are speaking. The evolution in industrial conditions must be, I think, in the direction of payment by results.

Senator SENIOR.—Has the honorable senator considered that, owing to the rise in wages, a larger number of those who may be termed workers is now included in the taxpaying class than was the case in previous years?

Senator PRATTEN.—That is so; but the aggregate sum paid by the small income taxpayer is only a small proportion of the total received by the Commissioner.

Senator SENIOR.—*Pro ratâ*, it is more than the other.

Senator PRATTEN.—I believe the average is only a very few pounds per head for the small taxpayer. The total number of income taxpayers is from 300,000 to 350,000, and it is obvious that £15,000,000 cannot be raised from them if they are rated only at a few pounds per head.

I have some hesitation in voting for any amendment of the Bill now before us. It has had full discussion in another place, and has reached us in its present form as the result of many compromises with the leaders or representatives of those great unions that will be affected by it. The Minister (Senator Russell) has given notice of a good many amendments, but I hope that in none of them will he attempt to cut across the compromises made in another place when the provisions of the Bill were accepted by the representatives of the great unions concerned.

Senator J. D. MILLEN.—But the Labour party voted against it.

Senator PRATTEN.—Certain clauses were accepted by the recognised leaders there. We in this Chamber should consider what has occurred in another place, and should not attempt to cut across any of the vital provisions that were there accepted.

Senator J. D. MILLEN.—We in this Chamber ought to use our intellect to make the Bill as perfect as possible.

Senator PRATTEN.—Yes; but we must give consideration to the views of those who represent the industries that will be first affected by the measure. The Bill is nothing very much more than a pious hope, but I believe that it is a step in the right direction, and it fills some of the gaps that exist at present in our Arbitration Court and arbitration procedure. I hail with a considerable amount of satisfaction, not only the advances made in connexion with conciliation and the greater arena we now have in dealing with industrial disputes, but also some of the more progressive principles that have been put into this Bill, and that I believe will appeal to the working man, who wants to play the game, not only to his mates, but to Australia.

Senator **PLAIN** (Victoria) [11.50].—I congratulate the Ministry on having brought forward this Bill, which we all hope will prove beneficial to the workers, and to the community at large. It is true that the Arbitration Court was constituted for the purpose of bringing about industrial peace, and I wish to place on record now my opinion that the work that that Court has achieved, and the millions of pounds that it has put into the pockets of the workers of this country, have done much to satisfy the workers in times past. It has also, to a great extent, given a feeling of industrial stability to our giants of enterprise, and enabled them to make the headway they have made. Every honorable senator recognises that the Bill is of vast importance, and if by its means we achieve only half of what we desire, it will have satisfied every man here that the Government did the proper thing in following the lead set out in the matter of the Whitley Councils in the older land.

It is impossible to do full justice to the question of industrial unrest, its effects, and its remedies, in an address to this Chamber in half-an-hour, an hour, a day, or a month, because their aspects are many and important. We have had them with us for hundreds of years past. In every community throughout the civilized world cesspools of industrial unrest have existed—many of them, I am sorry to say, in that old land of ours which has endeavoured to be an object lesson to the world as regards industrial matters and greatness as a people. Some of them have existed in the midst of civilizations of the highest character; but I have no fear of the effects of industrial disputes so long as the people who take part in them are desirous only of bettering themselves and the community of which they form a part. When, however, we have industrial disputes shrouded with a cloak of revolution, a cloak of something unknown and uncanny, it is then that we as a people must realize our duty to evolve and establish healthy industrialism in its real sense. It is then that we should raise our eyes to discover, if possible, whence comes the danger that exists in our midst. It should not be possible for the conditions to which I refer to exist in our Commonwealth; but, like other communities, we undoubtedly have our industrial cesspools, and their environment is sufficient at all times to create a feeling of discontent, and even of vindictiveness, in the minds of the people who have to endure them. May I refer shortly to one of those great industries from which much of our trouble has arisen, and will continue to arise unless a drastic remedy is applied? I refer to Broken Hill, where the conditions, climatic and otherwise, have not been sufficient to satisfy the requirements of the civilized men and women who have to take part in the great industry carried on there. Unless those evils are remedied unless the giants of industry realize it is their duty, even at the expense of the community, to give better conditions to those people who toil to produce for the nation in that remote and unfactory spot, where not only is the climate unsuitable, but where the heat is intolerable, and where the

comforts such as we in other parts of Australia enjoy, we shall continue to have industrial disturbances, and evils will arise that will cause us now and then to wonder whence they come.

The Arbitration Court has undoubtedly failed, and I hope that these Tribunals will take its place. During the last few years events have moved rapidly, and, as time swiftly rolls along, there is no doubt that in the very near future the Industrial Arbitration Court, with all its greatness and with all its deeds, will become simply another milestone marking our progress along the road to prosperity. Whence comes the voice to which each and all of us must listen, the clamour for better conditions, and for something which the workers themselves cannot exactly define? Just before the awful world's struggle took place, the conditions to which I have referred existed in the Old Land. The great struggling masses of humanity that were boxed up in those cesspools were allowed to remain in their filth and their misery. But at the sound of the bugle, at the call to battle, the military spirit of Britain was aroused to protect the liberties of the country. The leaders of the nation took control of those masses of humanity that had never known what it was to have a real meal. Thousands of those men were on the verge of starvation, and thousands of their women and children went to an early grave for want of sufficient food to sustain them. Many of the men who were called upon by the leaders of the nation to protect the liberties of the country were unable to hold a rifle, or to stand in the trenches, and do their fair share of the work required of them; but, by the grip of the military spirit, and by the achievements of those who supplied them with food at that hour of our nation's trial, they were icked into the shape of men, and played e part of men. Those men to-day have n through the portals of their misery ew world, and we can quite realize desire to share in its comforts. They ndeavouring by means of industrial or by Soviet councils, or any other hey can possibly create, to achieve y desire. They have met the lads part of the world, and our lads them what a fine country this aturally wish to share in the he pleasures which they find lain.

that other people enjoy. Those are the feelings that are inspiring the minds of those men to-day, and are being disseminated throughout the community. It is the working of their unbalanced and undisciplined minds that throws over the movement there that cloak of uncanniness which, to some extent, also affects our life here. If we desire to prevent the spread of that revolutionary feeling which has arisen in the councils of our nation, we shall have to be up and doing. We shall have to try to meet these men face to face, in order to convince them, by the force of reason, which is the best way to bring about a permanent remedy for industrial disputes.

We must be careful in regard to the *personnel* of these Tribunals. The representatives who are selected to sit upon them must be men of sound judgment and of balanced minds. The worker must see that the very best of his class are placed upon these Tribunals—men who are capable of reasoning to the best advantage in the interests of their fellows. The representatives of the employers must also consider the industrial conditions which obtain. They must endeavour to sink all pettiness, to be absolutely fair, and, above all, they must be prepared to make sacrifices for the common good. I trust that these special Tribunals will prove a success, and that as a result we shall, in the near future, be able to abolish the Arbitration Court. Senator Pratten made reference to "man's inhumanity to man." The poet who uttered those words was familiar with the miseries of men. But although he was surrounded by them, he nevertheless proclaimed to the people that the time would come—

> When man to man, the warld o'er,
> Shall brothers be for a' that!

If a little common sense is exhibited by both sides, together with a desire to do what is right, I am sure that the passing of this Bill will bring us nearer to the fulfilment of the prophecy of that poet whom we all revere.

Senator REID (Queensland) [12.3].—Whilst listening to the very able speeches which have been delivered upon this measure, I have been most impressed by the note which has pervaded the whole of them—by the expression of a sincere desire to successfully deal with the problem of industrial unrest in our midst, which

has now reached such an acute stage. As one who has been interested in this matter for many years, I regard it from a very different stand-point to-day from that in which I formerly viewed it. Before we adopted the principle of arbitration we formed the opinion that if we could only establish industrial tribunals for the settlement of disputes, we should open the door to a land of peace and plenty.

I would like to indorse the remarks of Senator Plain by acknowledging the very great benefits which the Arbitration Court has conferred upon the workers of this continent. Those who are familiar with labour unions as they existed prior to the advent of arbitration, would scarcely recognise the machinery of those bodies as they are constituted to-day. One can scarcely credit the conditions under which many of the workers used to labour—so great is the improvement which has taken place since the Arbitration Court was established. To many persons who started out to accomplish something in that direction, the progress which has been made in such a brief period is positively astounding. Only those who recollect the industrial conditions which obtained in the days of which I am speaking can realize the great benefits which have been conferred upon the workers of Australia. This Bill is another experiment in the direction of effectively grappling with the industrial problems with which we are confronted. I am not at all inclined to be pessimistic regarding the result of this experiment. I have seen industrial conditions so changed throughout the world within a comparatively short time that I regard this measure merely as another attempt to solve a most difficult problem.

To-day the world is entering upon a stage of Democracy. It is groping in the dark; it is struggling with many problems without any experience to guide it; and it is suffering as the result of mistakes from which we shall ultimately acquire a great deal of wisdom. It is all a matter of historical evolution. If we look at the history of Great Britain we cannot fail to admire its *Magna Charta*. In those days the barons went to King John and demanded their freedom. That monarch had been misusing the powers which had been vested in him, and the barons rose against him and demanded a share of that power. In much the same way, when the commercial era commenced to dawn in the Old Country, the commercial classes demanded from the then limited House of Commons a voice in the government of the country. To the landlord class that was a revolution. The commercial class obtained the power which is sought, and, like all other classes, used it merely for its own purposes. Class legislation there is responsible for what is known as the Labour movement to-day. What is called Democracy is now awakening. It is demanding a voice in political matters just as other classes have previously demanded it. In Australia, thanks to the broadness of the franchise under which its parliamentary representatives are elected, it has obtained that voice. But it is also demanding that it shall have a voice in framing the conditions under which men work. Unfortunately the employing class has denied men that voice, and this circumstance has resulted in a great many of the revolutionary phases which now distinguish the Labour movement.

We have to recognise that quite a new phase is growing throughout the world. As no reference has been made to it during the debate upon this Bill, I would like to touch upon it, because it is really a very important phase of the Labour movement. Those who are familiar with the early trade unions of thirty or forty years ago know that they were very small organizations, and that they were confined to comparatively a few occupations. Until recent years the vast majority of the workers were completely outside t unions. Until the principle of arbitration was recognised and until the law, through the Arbitration Court, compelled employers and employees to organize, the majority of the members of both classes remained outside their respective organizations. There is no doubt that the Arb tration Court has been the greatest ganizer for labour that was ever create

Senator PRATTEN.—It has also do good deal in that direction for the ployers.

Senator REID.—It has done deal for both the employers and ployees. Its awards have dr latter into the trade unions u men employed in most trad

wholly of unionists. They must either join their craft unions or starve outside of them. That is the point which we have reached. Now we are reaping the whirlwind because of our action in compelling men to join organizations which, otherwise, they would not have joined. The men who had not previously been used to unions have been driven into those organizations, and, like all classes throughout the ages, they are now using their power for their own particular purposes. These unions have given them more money to spend, and have provided them with better industrial conditions. They have the power within their own hands, and power is a very dangerous weapon to give to any class of the community. Each class now has the power of protecting its own interests against the interests of the public. Very frequently a most unwise use is made of this power. The same thing has occurred throughout all ages. When people acquire power they invariably use it for their own selfish ends.

What has this brought about in Australia? It has caused both sides to become completely organized for the purpose of fighting each other for all they are worth. They have become antagonists as the result of viewing things from different angles. I am very pleased that this Bill has been introduced with a view to bringing these rival bodies together. I have always been strongly opposed to the legal fraternity having anything to do with arbitration beyond acting as advisers for the purpose of enabling the disputing parties to keep within the law. I have always believed that those who are directly engaged in any trade should have the settlement of any dispute which arises in connexion with it. These persons are familiar with the conditions which exist in that trade—the employees upon one side, and the employers upon the other. They are thoroughly conversant with those conditions.

Senator ELLIOTT.—Will this Bill achieve anything in that direction?

Senator REID.—It seeks to do so by providing for the establishment of what are called Special Councils. What is the position at present? When an industrial dispute arises the contending parties appear before the Arbitration Court before a Judge who knows nothing whatever about the conditions which obtain in that particular industry. He is a professional man, and like most professional men, is, to a large extent, out of touch with the things of life. Witnesses are brought from all over Australia to prove to him exactly what conditions exist in that industry. It costs the trade unions an enormous sum of money to secure the attendance of these witnesses in order to establish their case before this Tribunal. The employing class has to adopt precisely a similar course, but as they require fewer witnesses, their expenses are not so great. The delays of the Arbitration Court are often such that between the filing of a plaint and the announcement of the decision of the Court upon it, the conditions of the industry have entirely altered, and a fresh inquiry into them has become necessary. I am hopeful that these Councils, if properly conducted, will be able to act immediately. They will require no witnesses in connexion with their work. Both employers and employees on the Councils will have a complete knowledge of the conditions of the industry with which they are concerned, and it will be unnecessary for either side to bring witnesses to establish their case.

Senator DUNCAN.—Will the representatives of the organizations on the Councils necessarily be employees or employers in the industry concerned?

Senator RUSSELL.—No.

Senator REID.—I do not say that they will necessarily be persons engaged in the industry concerned, but I am suggesting that they should be men thoroughly conversant with the business in connexion with which the industrial dispute arises.

Senator DE LARGIE. — In ninety-nine cases out of 100 they will be.

Senator REID.—They should be men thoroughly conversant with the conditions of the industry concerned, and if they are, a vast deal of time will be saved, which in the Arbitration Court is spent in the examination of witnesses. I am strongly in favour of the proposals of this Bill for that reason. If the work of these Councils is conducted on those lines the effect will be that employees, as well as employers, will be given a real voice in fixing the conditions under which the industries in which they are engaged are carried on.

I regard it as absolutely necessary that the profits made in every industry should be open to public inspection. We

have, of course, to be careful to resist the possible demand for the disclosure of trade secrets which should remain in the control of those responsible for them, but the general profits and conditions of an industry should be made known in the interests of the public. I think that this should be so for more reasons than one, but my most important reason is that the vast majority of the workers have got it into their minds that they are being robbed, and that huge and undue profits are being made out of their labour, and, because of the high prices charged for necessary commodities, the general public are under a similar impression. If we were to drop some of our conservative ideas and view this question in a proper way I believe it would be admitted that if the profits made by the employers in any industry were made known to the employees and to the general public a great deal of industrial unrest would be prevented, and the capitalists would not lose a cent. If the employer in any industry is securing unfair profits, I think the public should have a right to step in. I was very glad to hear Senator Keating refer to this aspect of the question, because it is the matter upon which I intended chiefly to speak. I indorse and emphasize everything that Senator Keating said on the subject. The employers and the employees in a particular industry may come together and arrive at a decision with respect to conditions and wages which, from their point of view, are just what they ought to be, but if, as a result of their adoption, the cost of the commodities produced by the industry is raised, the effect is felt by every other industry in the country, as well as by all who are consumers of the products of the industry. I think that we have reached such a stage in connexion with the efforts to solve the problem of industrial unrest that the time has arrived when the public should be given a voice in fixing the conditions and wages of an industry. I believe that the public should be represented as a neutral party on the Councils proposed to be established under this Bill.

Senator Duncan.—How could a representative of the public avoid leaning either to employer or employee when he would himself be either an employer or an employee?

Senator Reid.—Not necessarily. I can give honorable senators an illustration of what I mean. We know that before and during the war the seamen held up the ships. We know, also, that for a number of years the shipping companies gave them anything they asked for until they became more or less spoiled children. The shipping companies could afford to do that, because they lost nothing, since the increased cost of carrying on their business was passed on by them to the public. When the miners saw what the seamen had done, they began to upset things. They secured for themselves special tribunals, and even compelled the Prime Minister (Mr. Hughes) to step in, set all else aside, and give them everything they asked for, during the war, in order to keep industries going, whilst the increased cost involved in meeting the miner's demands was passed on to the public. The fact is overlooked that this kind of thing interferes with other industries, and raises the cost of living to the general public. With the best intentions, employers and employees in a particular industry may arrive at what they regard as a most just decision so far as their mutual interests are concerned, but the interests of the public are not consulted. The necessity for considering the interests of the general public in the means adopted for the settlement of industrial disputes has become so pressing that we must devise some means of dealing with the matter. I am sorry that some attempt to do so has not been made in this Bill. Some provision should, I think, have been made to secure representatives on these Councils whose business it would be to consider these industrial problems from the point of view of the public, and express an opinion as to whether the public can afford to pay the cost of giving effect to decisions agreed upon between employers and employees.

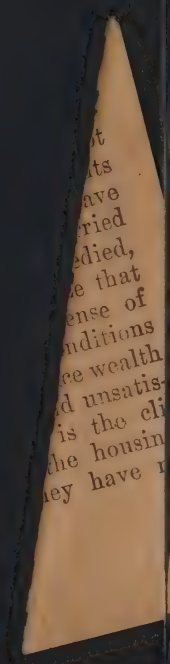
As a result of the work of the Arbitration Court, unionists have been given preference, and those who do not belong to a union are denied the benefits of awards made by the Court. The result of this has been to drive unskilled labour into the unions, and many unskilled men are to-day receiving better wages than are received by craftsmen, men and women of the professional classes.

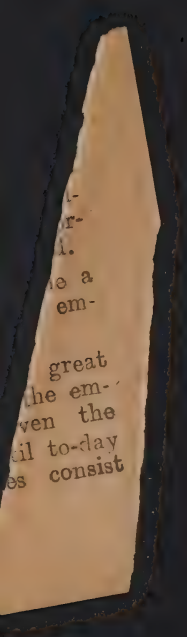
country. Many unskilled men are to-day receiving wages which, from the point of view of the interests of the public in industrial problems, exceed the value of the service they render to the industries in which they are engaged. I can give honorable senators an illustration of this. Some time ago, in Queensland, Judge Dickson made an award for cane-cutters in the sugar industry. It was of such a nature that no one was more astonished at the award than were the cane-cutters themselves. One of its effects was to alter the position of unskilled labour throughout Australia. I know what cane-cutting is, and I mention this case merely to illustrate my point. Cane-cutters are to-day earning big wages. Under contracts some of them are making from £2 to £2 5s. and £2 10s. a day for cutting cane. Sugar is one of our primary products, and there are many industries carried on in Australia that are dependent upon it. In addition, we know that is an absolutely necessary commodity, and the question arises whether it is right that because of the terms conceded to unskilled labour in the industry the community should be compelled to pay the price that is charged for sugar. Why should the general public be asked to pay an undue price for sugar in order that unskilled workers in the sugar industry may be able to make so much in four or five months as to enable them to live at leisure for the rest of the year in some city? The President (Senator Givens), who knows the sugar industry, will agree with me that no skill is required in cutting sugar cane. This is one of the results of forcing men into unions, and [illegible]ing arbitration Judges to decide the conditions and wages of industries about which they know nothing. I contend that the public, as well as the cane-grower and the cane-cutter, should be considered, and they should be given a voice in fixing conditions and wages, which must, in turn, affect the price they must pay for the commodities they use.

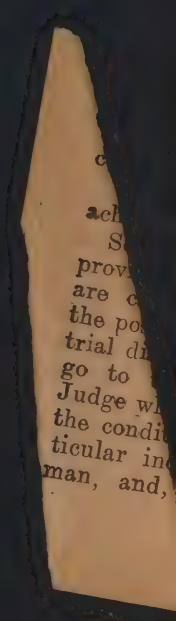
I do not at all object to unskilled labour being adequately rewarded, but I am trying to view the matter from the standpoint of the public and the value of services rendered by the unskilled labourer. Let us take the shearing industry, which is another illustration. Shearers are asking for £2 per 100 for shearing sheep. I know what shearing is, and I have not the slightest hesitation in saying that the shearers are asking for too much, though what they are asking may not be considered too much in proportion to the profits earned by those carrying on the wool industry. I say that we have to consider whether it is a good thing for Australia that unskilled labour should be paid for at such a figure. It is hard to say what boys and labourers engaged in picking up wool in the shearing sheds are getting now, but I think they are being paid from £4 to £4 10s. per week.

Senator DE LARGIE.—We are wasting our time here, notwithstanding the so-called salary grab.

Senator REID.—I know what picking up wool is. I have perhaps seen as many shearing sheds as any other person in Australia. Some of the boys employed at this work, on reaching a certain age, demand the same wages as are paid to men. When boys can make so much money at picking up wool, they will not seek employment in other industries. I know that, some years ago, boys working in the mines at Gympie and Charters Towers earned from £2 15s. to £3 per week. When boys are paid such wages for unskilled work, they cannot be induced to take up trades. This is a matter which is worthy of serious consideration. The boys have now so much money to spend that they acquire extravagant habits, and when they reach the age of manhood, without much prospect of increasing their earnings, they hesitate to marry. So we are cutting our own throats in many ways in paying youths and unskilled workers wages for which they do not return full value to the community. The condition of crafts and trades in Australia is becoming serious in consequence. The Minister for Repatriation (Senator E. D. Millen) has told us that there is scarcely a trade carried on in the Commonwealth for which there are sufficient mechanics to-day. One might say that thousands more tradesmen might be engaged in carrying on trades throughout the Commonwealth than are available to-day. They cannot be secured because of the inducements held out to youths and others in the remuneration paid for unskilled labour. It is natural that boys should seek employment where they will be able to make most money.

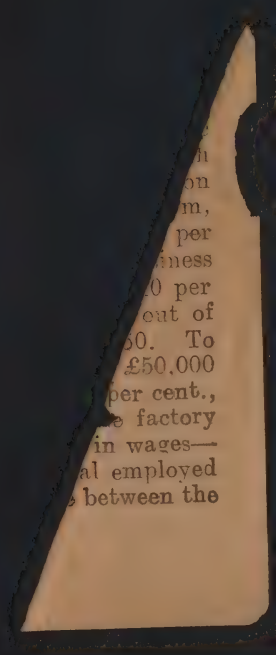


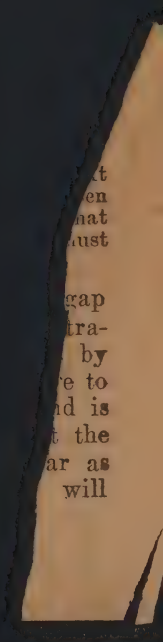


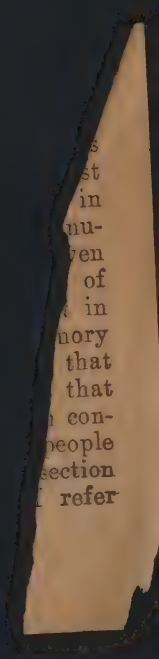


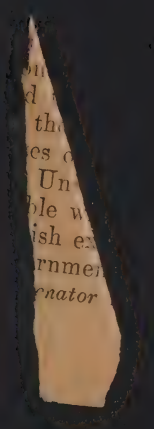
(
a
the
over
of i
far to
was gr
to their
artisans
depleted
thing effe
considerab
remarks of
(Senator E

Senator Pr









To a great extent, the decisions and awards of men who know nothing about the industries with which they have dealt, are responsible for the present position. This phase of the industrial question is becoming so serious that we are going in for the new Protection. We shall soon have the Tariff before us, and the general public will be called upon to shoulder an increased burden, in order that secondary industries may be established in Australia. While we are doing that we are not bringing youths into our various industries. As mentioned by Senator Payne and others, technical schools in the different States are turning out youths who have been taught various trades, but, unfortunately, after they have completed their course there is great difficulty in placing them in suitable employment. I have been interested in the work of our technical schools for a considerable time, and quite recently when I was in conversation with the principal of one of these establishments he said it was his greatest trouble to place the boys in employment after they had been trained up to a certain point. Under our present system, whereby the number of apprentices is limited, many youths who are taught trades are without employment after they have completed their course, and are either thrown back on their parents or have to undertake work of an unskilled nature.

Senator Elliott.—Will this Bill be the means of improving that?

Senator Reid.—I think it will assist. I believe it will be the means of placing certain limitations on different stupid awards which have been made. I do not blame the Judges for the decisions that have been arrived at, because they have been based on the information that was before them.

I was brought up in the building trade, and I know a good deal concerning its operations. Under this measure it will be possible for the representatives of the employers and employees to meet in conference to discuss such questions as the scarcity of skilled labour, and if the work of the Tribunals is conducted in a proper manner the present arrangements may possibly be altered, and the conditions in various trades considerably modified. The representatives on the different Tribunals will have a special knowledge of the questions with which they are dealing, and there will be every opportunity of improvements being effected.

Senator Elliott.—Have they power under this Bill to deal with the number of apprentices?

Senator Reid.—When the Bill is in Committee, doubtless the Vice-President of the Executive Council (Senator Russell) will be able to answer such questions.

The Boards will open up the way for improvements by showing the necessity for employing a larger number of men who have been properly trained.

During recent years we have heard a good deal of certain industries being suspended in consequence of the actions of miners, engineers, and seamen, and no one can deny the fact that such industrial upheavals have caused considerable inconvenience and loss to the Commonwealth. It has frequently been mentioned by honorable senators that if we could only dispense with Labour agitators we would do away with all our troubles; but, in my opinion, a more incorrect statement was never uttered. However earnest some honorable senators may be in denouncing agitators, after a number of years of experience with industrial unions, and after closely studying social and political questions, I am bound to confess that it is not the agitator who is responsible.

Senator Wilson.—Is it not the agitator who leads the union into difficulties?

Senator J. D. Millen.—Hear, hear!

Senator Reid.—Senator Wilson thinks it is the agitator who leads the unions into difficulty, and another honorable senator supports that contention. Can the honorable senator who has interjected speak with experience of industrial unions in Australia or elsewhere?

Senator J. D. Millen.—Yes, I can. I was the general manager of a large industrial concern.

Senator Reid.—I am not referring to general managers and their association with industrial unions.

Senator J. D. Millen.—The management has to face the position when there is trouble with the employees.

Senator Reid.—Possibly so. But I am dealing with the general attitude of the members of industrial unions.

Senator J. D. Millen.—I have had experience, and know who is responsible.

Senator REID.—That does not prove anything. I have been an employer of labour, and I know that, if the men are treated justly and realize that they are receiving a fair deal, there will not be any trouble. I know that, in connexion with huge industrial undertakings, it is difficult at times to get in personal contact with the men.

Senator J. D. MILLEN.—I never had a strike in fourteen years; but any trouble that arose was usually caused by outsiders.

Senator REID.—I never advocated a strike, and I have stood up before thousands of men and tried with all the power at my disposal to prevent them from ceasing work. But, when a strike occurred, I stood by them and endeavoured to prevent the situation becoming worse. Although I did that, I was accused of being an agitator and leading the men on. I wish the employing class would recognise the fact that, in nine cases out of ten, it is not the men who speak for the unions who cause the trouble. On many occasions I have fought against strikes, and many old trade unionists, including some honorable senators in this Chamber, will support me when I say that it is not the so-called agitators who are responsible. I know there are some who may be classed as extremists, and others, from my point of view, who are idiots. Although it has been said that it is the agitators who cause the trouble, I deny it. There are, of course, certain men who do a lot of harm, but on the other hand there are some who are called agitators who would not harm a canary, as I know of men who make the most outrageous statements in public, but who are really harmless individuals. When reference is made to our returned soldiers, some honorable senators find it difficult to choose adjectives sufficiently expressive to praise them, and other honorable senators have stated that the Australian workman can hold his own with any one. If that is true, surely they are not such fools as to create industrial disturbance when they have not a grievance.

Senator J. D. MILLEN.—It is not always the men who create trouble. Take the wheelers in the collieries; it is the young folk who cause mischief.

Senator REID.—I know that very often the young people are responsible, but, after all, the wheelers are only a very small section of the colliery employees. I am referring to the Labour movement in general, and I believe it is only when the workmen have a genuine grievance that they allow themselves to be led. I am opposed to extremism and I.W.W.-ism, and I am conversant with the position in America and other countries. Much of the trouble that exists today in the industrial arena is due to the fact that the employers, and what may be termed the educated classes, have neglected their duty. They are responsible for much of the turmoil that exists, not only in Australia, but throughout the world. While looking after their own interests and welfare they have neglected to take a broad national view of the whole question: the fault is not only with the employers but with the whole community. Under our educational system provision should be made for teaching our growing youth the responsibility of citizenship, and if that were done there would be more peace and contentment than at present.

I look upon the Bill as an experiment, and I sincerely trust that honorable senators and the representatives of both parties will be prepared to give it a fair trial, not only in the interests of employers and employees, but in the interests of the Commonwealth. As I have already stated, the representatives of the public will have to come into the negotiations, and have a voice in the discussions, to see how the decisions will affect the public. I am glad the measure has been introduced, and I trust it will in some way assist us in solving industrial problems, and be the means of improving not only the position of those engaged in our industries, but will be of great benefit to the whole community.

Senator PRATTEN.—By way of personal explanation, may I say that in the course of remarks earlier this morning, when dealing with the history of arbitration in this country, I came into conflict with certain honorable senators when I made mention of the date 1891. Obviously, the date which I should have quoted was 1901. With that correction of a mistake which occurred, perhaps, owing to some temporary breaking down of the *liaison* between my brain and my lips, I merely desire to add that all my remarks will stand.

Debate (on motion by Senator DUNCAN) adjourned.

CLERK OF THE SENATE.

Retirement of Mr. C. G. Duffy, C.M.G.

The PRESIDENT (**Senator the Hon. T. Givens**).—Before the Senate adjourns I desire to intimate to honorable senators a fact which, I suppose, they all know as well as I do, namely, that our good friend, the chief officer of the Senate, Mr. Duffy, will have severed his official connexion with the Senate before we meet again in this Chamber. He retires to-day after a very long and honorable connexion with the parliamentary services. He will have completed, this day, almost forty-nine years of service, first in the State Parliament, and, later, in both Houses of the Federal Legislature. His parliamentary associations have been very distinguished; and it has been my own experience, and that of all other honorable senators, I feel sure, to find Mr. Duffy always ready to place himself at our service with unfailing courtesy and with devotion. He has always done his very best to insure that the working of the Senate—as well, indeed, as of every other legislative chamber with which he has been associated—should be as smooth and harmonious as possible. We regret that Mr. Duffy should be leaving us, but we all hope that he will have a long and happy period in which to enjoy the retirement which he has so well earned. We are naturally sorry when we come to part with an old and invaluable officer; but we all recognise that it is only due to Mr. Duffy, after such a prolonged and strenuous public career, to take advantage of the opportunity to quietly enjoy his declining years. I feel that not only shall we be severing an official association to-day, but, also—to some extent, at any rate—breaking a personal friendship. However, I trust that we shall often have opportunities of meeting Mr. Duffy again personally, so that, although we shall be deprived of his official services, the link of private attachment shall remain unbroken. I wish him the best of good fortune in the course of a long and happy retirement.

Senator PEARCE (Western Australia —Minister for Defence) [12.50]. — I understand that it is the wish of honorable senators generally to take some sort of formal farewell of Mr. Duffy this afternoon. I take the opportunity, therefore, on behalf of my colleagues and myself, to associate the Government with everything that the President has said concerning Mr. Duffy. The Senate has been particularly fortunate in the character of the gentlemen who have held and adorned the office of Clerk. Mr. Duffy was called upon to follow very distinguished parliamentary officers in Mr. Blackmore and Mr. Boydell, who filled the office of Clerk of the Senate with distinction, and did much to guide this Chamber with respect to its Standing Orders. But the gentlemen whom I have named have had an equally distinguished successor in Mr. Duffy, who has done, in fact, all that any man could do to assist the Senate in the interpretation of its Standing Orders, and, generally, to provide the necessary oil for the smooth working of the parliamentary machinery. I sincerely trust that his successor—whoever he may be—will prove to be a gentleman of the same calibre as Mr. Duffy. I and my colleagues wish him long life in which to enjoy the rest for which he has so long looked. In conclusion, I desire to thank him personally for the very many courtesies which I have received during his term of office.

Senate adjourned at 12.52 p.m.

House of Representatives.

Friday, 27 August, 1920.

The Clerk reported the unavoidable absence of Mr. Speaker.

Mr. Deputy Speaker (**Hon. J. M. Chanter**) took the chair at 11.1 a.m., and read prayers.

LIKELIHOOD OF WAR.

Mr. FENTON.—I ask the Leader of the Government if he has seen the following report in the Sydney *Sun* of Wednesday:—

Sir Chas. Rosenthal declared that Australian troops would be fighting again within eighteen months—perhaps within twelve months—on the Indian frontier. India, he was convinced, was the weak link in the frontier of the Empire. There was now only

one ally, a very vacillating ally, Persia, standing between India and the Bolshevik menace. Australia was nearer a big trouble than most people imagined.

Have the Government any control over the utterances of a Brigadier-General, and, if so, cannot they prevent such alarmist statements as that I have read from going abroad to the public?

Sir JOSEPH COOK.—We have no control over the utterances of private citizens, though occasionally I think that it would be a good thing if we could control the utterances of members a little more, and even those of the honorable member himself.

SURGEON-LIEUTENANTS.

Mr. FENTON (for Dr. MALONEY) asked the Minister representing the Minister for Defence, *upon notice*—

With reference to Statutory Rule 1920, No. 101, sub-section (B), on what date did, or does, the twelve months after the war end in regard to surgeon-lieutenants not being required to pass professional examinations?

Mr. LAIRD SMITH.—This date is dependent on the issue of a proclamation that a state of war no longer exists.

NAVAL BOARD SALUTES.

Mr. FENTON (for Dr. MALONEY) asked the Minister for the Navy, *upon notice*—

1. *Re* Statutory Rule 1920, No. 81, what is the cost of the salute of fifteen guns to the flag of the Naval Board?
2. How many times, approximately, will it be fired in a year?
3. Are salutes of any use in teaching gunnery?

Mr. LAIRD SMITH.—The answers to the honorable member's questions are as follow:—

1. Fifteen shillings.
2. As necessary.
3. Yes.

COMMONWEALTH LOANS.

Mr. MAKIN asked the Treasurer, *upon notice*—

Whether the Government will supply the following information concerning loans raised by the Commonwealth:—

1. What were the years in which loans were raised by the Commonwealth Government—(*a*) for what total amounts; (*b*) at what rates of interest?
2. What has been the total amount paid by the Commonwealth Government in interest on all loans raised to the 30th June, 1920?
3. How much of such loan money has been redeemed?
4. What amount of such redemption has been by conversion in new loans?

Sir JOSEPH COOK.—The answers to the honorable member's questions are as follow:—

(1)—

Year.	Amount Raised.	Rate of Interest.
	£	
1911–12 ..	700,000	3½ per cent.
1912–13 ..	1,300,000	3½ ,,
1913–14 ..	2,100,000	3½ ,,
1914–15 ..	480,000	3½ ,,
,, ..	1,949,320	4 ,,
1915–16 ..	2,859,342	4 ,,
,, ..	35,045,120	4½ ,,
1916–17 ..	45,060,410	4½ ,,
,, ..	736,000	4½ ,, (compound
1917–18 ..	1,803,447	4 ,,
,, ..	57,649,570	4½ ,,
,, ..	6,527,430	5 ,,
,, ..	3,936,510	4½ ,, (compound)
1918–19 ..	1,429,891	4 ,,
,, ..	44,182,910	5 ,,
,, ..	796,214	4½ ,, compound
,, ..	122,417	£5 3s. ,, ,,
1919–20 ..	2,188,081	4 ,,
,, ..	25,007,950	5 ,,
,, ..	45,513	4½ ,, (compound)
,, ..	511,548	£5 3s. ,, ,,

(2)—£28,603,854.

(3)—£7,448,701. This does not include conversions.

(4)—The total conversions £1,976,221.

The figures quoted are exclusive of loans from the British Government for war purposes, and loans raised by the Commonwealth for the States.

COMPANY FLOTATION.

Mr. GREGORY asked the Treasurer, *upon notice*—

Is there any control by the Treasury in connexion with company or syndicate formation and flotation; if so—

(*a*) Was permission given and approved for any company being formed in connexion with the Badak syndicate?

(*b*) What were the assets (if any) and syndicate holdings when such application was made?

(*c*) What was the capital issue of paid and contributing shares for which official sanction was given?

(*d*) Does not the fact of Treasury approval having been given in this instance

carry some responsibility to the public; if so, what action does the Government propose to take?

(*e*) Does the Treasurer consider it necessary or desirable to continue the present regulations?

Sir JOSEPH COOK.—The answers to the honorable member's questions are as follow:—

Yes. Treasury consent is still required under the War Precautions (Companies, Firms, and Businesses) Regulations for the registration of any company whose principal object is the carrying on of manufacturing, mining, or other industrial operations outside the Commonwealth.

(*a*) Yes; for the registration in Victoria of the Badak Mining Company No Liability.

(*b*) The assets were stated to consist of a concession over approximately 5,000 acres of tin-mining land in the Jeneri Valley, State of Kedah, Malay Peninsula. The syndicate holdings were 400 shares of £10 each.

(*c*) Treasury consent was given for the issue of a paid-up capital of 400,000 shares of £1 each, and for the issue of 200,000 contributing shares of £1 each.

(*d*) Consent was issued under and subject to the regulations, which prescribe that such consent shall not be made use of in furtherance of the objects of the company, and that any public notification of the fact of such consent shall be accompanied by a statement in the following terms:—"The fact that the Treasurer of the Commonwealth has consented to the registration of the company is not to be taken in any way as a guarantee of the actual or probable financial stability or success of the company." The Government do not propose to take any action.

(*e*) The continuance of the regulation is considered to be necessary in order to prevent excessive amounts of capital being withdrawn from Australia for oversea enterprises.

PAPUA.

Land Leased for Alcohol Production.

Mr. TUDOR asked the Minister for Home and Territories, *upon notice*—

1. Have the Government leased any land in Papua for the purpose of producing alcohol?

2. If so, will the Minister give particulars of such leases?

Mr. POYNTON.—The answers to the honorable member's questions are as follow:—

1. Land has been leased to the Natalite Motor Spirit Company of Australia Limited, who are engaged in the manufacture of natalite, which is understood to be a form of alcohol used as fuel for motor cars.

2. The company has been granted thirteen sago licences on the Paibuna River Delta Division, each licence being over an area of 4 square miles. These were granted according to the provisions of the Sago Ordinance of 1908, which permits the cutting of sago palms on sago reserves. The same company has applied for twelve licences on Turama River, but this area has not been acquired from the natives.

TELEPHONES.

Mr. HECTOR LAMOND asked the Postmaster-General, *upon notice*—

1. How many telephones have been installed in the capital cities of the States during each of the past three years?

2. How many in the suburbs of such cities?

3. How many in the country districts of each of the States?

Mr. WISE.—Inquiries are being made, and replies will be furnished as early as possible.

ADDITIONAL SITTING DAY.

Mr. HUGHES (Bendigo—Prime Minister and Attorney General) [11.10].—I move—

That the House at its rising adjourn until Tuesday next at 3 p.m.

The need for an extra sitting day is obvious. Parliament has been in session since the 26th February, but of measures that may be regarded as of first importance we have passed only the War Gratuity Bill, the Repatriation Bill, and the Anglo-Persian Oil Bill. In this House the Industrial Peace Bill has been dealt with, and we are now in the throes of parturition with the Conciliation and Arbitration Bill. That is practically all the legislation that has been done, and even our most friendly critic could not say that it is excessive for the time we have been at work. Honorable members, since they first had the pleasure of looking on each other's intelligent and radiant countenances, have had given to them an inducement to work harder, and I hope that I do not ask too much in requesting them to come here at 3 o'clock on Tuesday next, when means will be found for occupying the rest of the day.

Mr. Tudor.—Does the motion mean that we are to sit on Tuesdays for the remainder of the session?

Mr. HUGHES.—Certainly. I do not like to do these things in too brutal a way, but I must add that to meet on Tuesday will not in itself be sufficient. It is a hateful thing to do; yet next week I must move that the House meet on Thursday mornings at 11 o'clock a.m.

That is the end of my horrid programme for the time being. But let me put these considerations to the House. If honorable members wish to come here during January and February, of course the way is quite open; but a constitutional Convention is to be elected next year, and its election will be preceded by a campaign in which honorable members who take an interest in the alteration of the Constitution must bear a part. Some honorable members may wish to be candidates for election to the Convention, and they cannot be in their places here and in the country at the same time. Therefore, quite apart from the urgency of the legislation on the Government programme, there are good reasons why we should endeavour to conclude our business before Christmas. Let me, to the best of my ability, say without consulting the notice-paper what that business is. We have first of all to deal with a batch of industrial Bills, the second of which is now before the House. It is receiving the most minute and careful attention, and in process of time will emerge and take its place amongst others on the statute book. To follow there is the Public Service Arbitration Bill, which completes the batch of industrial measures. Another batch deals with the Public Service *qua* Public Service—the Public Service Amendment Bill, and a Public Service Business Management Bill. There must be a separate Public Service Superannuation Bill, unless we can incorporate its provisions in the main amending Public Service Bill. The Navigation Bill contains, I think, about 140 clauses, and that is not a measure to be "rushed." The other day I gave notice of a New Guinea Bill, and also a small Bill to amend the Nauru Island Act, necessary in consequence of our having included Ocean Island. There are Bills relating to passports and naturalization, and the question of defence.

Mr. TUDOR.—What about Bill Watt—not what Bill?

Mr. HUGHES.—I do not know; we shall see what we shall see, and in the meantime I can only say "Watt, oh!" I have got to rather an appalling stage in my catalogue of crimes, but I have still to say that my right honorable friend, the Treasurer, proposes to deliver his nearly incubated Budget, which will involve certain consequential legislation. Then there is a Bill relating to Commonwealth bank notes, the Estimates, and the Tariff. An opportunity has been promised to discuss the Estimates, and an opportunity must be afforded. Honorable members may look at such a list of measures lightheartedly, and even smile; but if they smile after they have been considering them for eight or nine weeks, they are more optimistic and cheerful than I am when at my best. When I saw the House the last time it had been at work on the Tariff for eight months, there was little smiling about it, and on that occasion I heard the honorable member for Melbourne (Dr. Maloney), at 3 o'clock in the morning, deliver an oration on dungarees that would have created commotion in a cemetery. However, I have endeavoured to apportion out the time at our disposal and I see that, allowing a fair margin for each measure, we cannot get through under twenty-eight weeks. There are now sixteen weeks between us and Christmas, and, therefore, it is necessary, if we hope to complete the business, to practically double our sitting time. I confess that that sort of thing has no charm for me, but it has to be done, and I am asking only a fair thing, to which I think honorable members will agree. Although some of these measures may not appeal to some honorable members, yet every honorable member has some measure in which he is interested, and desires to see passed. As to the Tariff, the present state of uncertainty ought not to be allowed to continue; we ought not to permit a Tariff to be administered, as for years past, without any consideration at all being devoted to it by this House. We are confronted with a mass of work that calls for our earnest and immediate attention, and I beg to submit the motion.

Mr. TUDOR (Yarra) [11.24].—I do not intend to oppose the motion that we sit on Tuesdays. I have studied the business paper, not only to-day, but on previous occasions recently, and I have observed the growing number of Bills to be considered. Like the Prime Minister, I do not look forward with any pleasure to sitting on four days a week, particularly with the addition of Thursday morning sittings, which will, as in the past, practically mean a

twelve-hours day. I do not think that anybody in the building can stand such protracted sittings, and in the past we have seen breakdowns, just as we are likely to see them in the future if we conduct business at this strenuous rate. However, the work has to be done, and we must go through with it. As to the Tariff, there are business people, as the honorable member for Flinders (Mr. Bruce) will agree, who think that certain duties are sure to be altered, and are, therefore, piling up goods in bond.

Mr. Hughes.—Nobody knows where they stand in regard to the Tariff.

Mr. TUDOR.—That is so, and there is a great desire to have matters settled. There is no doubt that these business people are quite entitled to do what they are doing; and they have at least "cut their eye teeth." They say quite frankly that they do not care what is done in regard to the duties so long as they are placed in a definite position.

Mr. Bruce.—I think they are full of hope.

Mr. TUDOR.—I suppose they hope that certain duties will be reduced; but if it is decided for the first time to place a duty of 40 per cent on a certain line, they say they will merely pass it on to the purchasers.

Mr. Prowse.—That is not true of the primary producers.

Mr. TUDOR.—If the coal miners were demanding London or export parity price to-day, Australia would be paying £25,000,000 a year more for its coal.

Mr. Hill.—They get the export price.

Mr. TUDOR.—They are not getting anything like it.

Mr. Hill.—They are getting the same export parity as we are getting.

Mr. TUDOR.—I say they are not.

Mr. Hector Lamond.—They are not getting two-thirds of the world's parity.

Mr. TUDOR.—If they were getting the world's parity, coal would go up at least £2 a ton.

Mr. DEPUTY SPEAKER.—Order!

Mr. TUDOR.—I merely referred to that matter in passing. There is no doubt that a great number of the measures that have been mentioned will have to be put through, including the industrial Bills and the Navigation Bill. We are threatened with trouble in the transport industry, because the seamen say they will not work unless certain alterations are made in the provision for the work of trimming; and if the vessels are hung up all the industries of Australia will again be paralyzed. With it all, however, we hope to finish before Christmas, though there must be some long sittings. One other Bill has been mentioned, which may cause a little disturbance, judging by remarks in the press—I mean Bill Watt, who is now on his way to Australia; and we do not know what will happen when he arrives.

Mr. McWILLIAMS (Franklin) [11.28].—I have pleasure in supporting the motion. Four or five weeks ago I made the same suggestion, but, strange to say, a hundred and one reasons were then given why it should not be adopted. I have always held that we should meet on Tuesdays. I have before complained that the present arrangement is not fair to honorable members from Queensland, Western Australia, and Tasmania, who have to remain the whole of their time in Melbourne for three sitting days a week. I also support the Government in proposing to meet on Thursday mornings. There is much important work, and I think that if we sit on Tuesday and Thursday mornings, about one-third of the programme which the Prime Minister has outlined may possibly be got through by Christmas. The Tariff must be considered this session. It is absurd that a Tariff should be laid on the table of the House, and that duties should be collected under it month after month, in the absence of any expressed opinion from this Parliament. May I also express the hope that, while the Tariff receives very careful consideration, we shall give to the Estimates much closer supervision than they have received for the last seven or eight years. We have reached a stage in the history of our finances when the expenditure proposals of the Government will require the closest scrutiny of the House. There are many important measures to be dealt with, but I place in the forefront the finances and the Tariff. Both must be disposed of during the present session, and to enable that to be done, and even a fraction of the other business which the Prime Minister has forecasted to be considered, we shall

require to sit every Tuesday and every Thursday morning. I support the motion, and hope that Tuesday sittings will be the rule in future.

Mr. MAHONY (Dalley) [11.31].—I do not oppose the proposal to sit on Tuesdays, but honorable members from other States have not had sufficient notice to enable them to arrange their affairs. Some honorable members from New South Wales and South Australia, not anticipating that the House would be called upon to sit an extra day next week, have made certain arrangements for next Tuesday, and I think the Government might meet the convenience of Inter-State members, and still achieve the objects the Government have in view, by deferring the commencement of the Tuesday sittings until the week after next.

Mr. HUGHES.—If Inter-State members express a general desire to that effect, I shall fall in with it.

Mr. RICHARD FOSTER.—I desire that Tuesday sittings shall commence straight away.

Mr. MAHONY.—The Government will not gain a great deal by forcing the House to sit next Tuesday.

Mr. CORSER.—Because the honorable member cannot get his own way he commences to threaten.

Mr. MAHONY.—I am merely stating a fact. If the honorable member chooses to regard my statement as a threat he is at liberty to do so. By sitting next Tuesday the House will gain only a few hours, which can have little effect upon the passing of the great number of measures that appear upon the notice-paper, and the others which the Prime Minister has indicated.

Mr. RICHARD FOSTER.—We ought to have been sitting last Tuesday.

Mr. MAHONY.—The Government cannot hope to complete before Christmas the programme which the Prime Minister has outlined, even if the House sits every day and all night. It is utterly useless for us to try to deceive one another in that regard.

Mr. JACKSON.—A repetition of yesterday's proceedings will prevent the programme being carried out.

Mr. MAHONY.—It is not uncommon for an honorable member who is new to parliamentary life to be prepared to cast aside the great privileges and safeguards which were won by Parliament centuries ago. Does not the honorable member know that for centuries the representatives of the people have had the right to state grievances before granting Supply? If honorable members stifle discussion of that kind they will be blocking the parliamentary safety valve, and may cause a big explosion. I urge the Prime Minister to give consideration to the position of Inter-State members. If the Government agree not to sit next Tuesday, they will be able to make up the time conceded by sitting every day in the week for the remainder of the session. I am prepared to sit every day, including Sundays, to pass legislation that is in the interests of the country. If I were a Ministerial supporter, and believed the Government programme to be necessary for the welfare of the country, I would see that the House had sufficient time to give effect to that programme. The proposal which the Prime Minister has made will not give the House sufficient time to carry all the legislation which has been indicated.

Mr. HUGHES.—The honorable member will be surprised to find how much we can get through.

Mr. MAHONY.—Inter-State members are only asking for fair and reasonable notice, so that they may arrange their ordinary affairs for the next week-end.

Mr. CORSER.—How many honorable members are concerned?

Mr. MAHONY.—What does that matter? I am one, at any rate. It is not fair to compel us to break our engagements at such short notice. I appeal to the Prime Minister to agree to my suggestion.

Mr. RICHARD FOSTER (Wakefield) [11.40].—I sincerely hope that the Prime Minister will adhere to his proposal. For some weeks past I have been urging the Government to sit on Tuesdays, and I am amazed that the honorable member for Dalley (Mr. Mahony) should place his personal and private arrangements before his public duties. Honorable members are paid £1,000 per annum, and it is an outrage if they are not prepared to allow their public duties to have first call upon all their time. The attitude I am adopting to-day I have adopted every session

at this season. While the weather is pleasant we do not work hard enough, with the result that the House is kept sitting during the sweltering summer months. It was our duty to the public to start Tuesday sittings three or four weeks ago.

Dr. MALONEY (Melbourne) [11.42].—I approve of the proposal to sit on an additional day. I believe I have to thank the Prime Minister for having made an allusion to me.

Mr. HUGHES.—Entirely complimentary—eulogistic, in fact.

Dr. MALONEY.—Could it be otherwise, coming from the lips of the right honorable gentleman? Now that the Prime Minister is in a good humour, I hope that he will be agreeable to set aside a day in the near future for the consideration of the infamy of the increased rents. One of the largest ironmongers in Melbourne, whose business has been established for fifty years, has closed down because he cannot afford to pay the extra rent asked for his premises in Elizabeth-street. Men who have been in his service for twenty years—which proves that he is a good employer—are to be thrown out of employment. I was delayed this morning by three unfortunate people who were asking for justice in connexion with rents. The Prime Minister will recall that in the early days of the war I asked the Government to utilize the War Precautions Act to prevent the unjust increase of rents. Only one Jewish landlord in the city who controls about fifty houses, was man enough not to raise his rents during the war.

Mr. DEPUTY SPEAKER (**Hon. J. M. Chanter**).—The honorable member is going beyond the question.

Dr. MALONEY.—I am giving a reason why we should sit extra days; I am suggesting additional work that the House might do. This Jewish landlord, after refusing somewhat coldly my request that he should not raise his rents during the war, decided after consideration overnight to agree. But he asked me why the Government did not introduce legislation to make that policy obligatory upon all landlords. Having an extra sitting day, the Government should certainly be able to devote some time to the consideration of this matter. In regard to the excessive price charged for woollen materials, I want to quote some words used by Senator J. F. Guthrie, for whose future I have great hopes in respect to the good that he may do, not only for himself, but for the thousands of people of Victoria he represents. Speaking on this subject, he said—

> In an all-wool suit there are 7 lbs. of greasy wool. So, for that which the producers of Australia have been getting 7s. 3d., we, the consumers, have been paying from 700 to 1,400 per cent. more.

Mr. DEPUTY SPEAKER (**Hon. J. M. Chanter**).—Order! The honorable member is not permitted to proceed on those lines upon this motion.

Dr. MALONEY.—I am not doing so for the sake of wasting time. I am ready to come here on Mondays, and would even join with the honorable member for Dalley (Mr. Mahony) in coming here on Sundays. I merely wished to demonstrate that Senator J. D. Guthrie shows clearly that, thanks to Flinders-lane, the people are being called upon to pay a 1,400 per cent. increase for their goods. I welcome the motion, and I hope that the Prime Minister in his kindness will permit us to have an extra day's sitting for one thing, to see whether it will not be worth while for the people of Australia—not the gilded darlings who claim to be Australians and leave it at the first opportunity to reside in London, where they can bow before His Majesty the King—to do away with Australia House and abolish the absolutely useless position of High Commissioner.

Mr. DEPUTY SPEAKER.—Order!

Dr. MALONEY.—I accept your correction, sir, and simply state that I support the Government on this occasion, and that I would be perfectly willing to give them another day, not because I live in Melbourne, but because I think we ought to be willing to work. I would give my vote every time to take this Parliament to Canberra, where we could get through our business in such a way that honorable members need not go away at each week-end. As a medical man I tell them that they are injuring their lives by travelling 1,400 miles each week-end. In fact, honorable members

who are obliged to return to their homes at Newcastle at the week-end make a journey of 1,700 miles. At Canberra we could sit at each week-end; and, even if the session lasted for four or five weeks, could transact the whole of the business put before us, and avoiding the farce of leaving a number of measures to be "killed" at the end of the session. An honorable member who has become rather famous of late, and has my complete sympathy (Mr. Richard Foster), says that if we are worth £1,000 a year we should prove it by the work we are willing to do, his idea being that we should make this Parliament a little more sensible than it has been in the weary years of the past. I agree with what the honorable member has said. Why could not one day be apportioned as a division day, on which honorable members could get the opinion of the House without argument on any question they care to put on the business-paper?

Mr. HUGHES.—I do not mind devoting Saturday afternoon for such a purpose.

Dr. MALONEY.—Apparently, I cannot make any impression on the hard surface of the Prime Minister, which we generally call his skin. I content myself by supporting the motion.

Mr. HECTOR LAMOND (Illawarra) [11.50].—I am sorry that the necessity for this motion has arisen; but I think it well that the Cabinet should consider whether the object aimed at could not be better achieved by a reconsideration of many of the Standing Orders which enable honorable members to waste time as they now do in a most extravagant way. The matter under consideration to-day is a serious one for those who are obliged to travel 1,300 to 1,400 miles each week in order to attend the House, and will now be compelled to do it with only a day's interval. I would prefer an arrangement by which the House could meet every day in the week for a fortnight, and then adjourn for a week, thus permitting honorable members to recuperate and attend to business in their constituencies. The system we have adopted in the past, and which we are again asked to adopt, does not give honorable members the rest they ought to have between the trying sittings of Parliament.

Mr. RICHARD FOSTER.—Poor fellows! God help them! Why do they come here?

Mr. HECTOR LAMOND.—We have not all the vigour of the honorable member for Wakefield. I hope that the Prime Minister will consider whether a better working arrangement could not be arrived at, by which we could do the same amount of work with less inconvenience to honorable members than is involved under the present system. Honorable members representing New South Wales and South Australian constituencies come to Melbourne on the Wednesday afternoon. The House meets at 3 o'clock, and we sit here for some time. On the Thursday, however, we have to idle about, attending, perhaps, to a few letters, which might occupy half-an-hour, until the House meets at 2.30 o'clock in the afternoon. I would prefer to do any work that has to be done in the time we are obliged to spend in Melbourne loafing about, and to employ the time saved by the arrangement I have suggested in my own constituency, doing work that honorable members must do in their own States. As I say, I would not object to sitting continuously for a fortnight if by so doing we could have a free week in which to attend to our other parliamentary work, afterwards coming back with some hope of being able to follow the intricacies of debate. The present system has this disadvantage—that after a month or two of strenuous work, involved in continuous sittings, none of us, as the Prime Minister has truthfully said, are in that mental state that will enable us to do our duty to the measures placed before us. Of course, presumably Cabinet has given full consideration to the Bills, enabling them to come before us in an admirable form, but if Parliament is to perform any useful function its members ought to have their mental faculties in pretty fair order when they are called upon to consider the intricate details of legislation, and there is no doubt painstaking care is involved in the study of some of the measures put before us. However, I am in favour of the motion, because the arrangement it will bring about is better than the present one, but still I hope that some other method of conducting our business will be devised in the future.

Mr. PROWSE (Swan) [11.55].—I am in fullest accord with the proposal for the increased working time of this House. It has interested me very much to hear honorable members representing New South Wales constituencies refer to their wishes in the matter, but I would point out that there are some honorable members in this House who cannot get to their homes unless they spend nine days in travelling in trains. Since February last, with the exception of the intermission on the occasion of the arrival of His Royal Highness the Prince of Wales, we have been here unable to visit our homes, wandering about Melbourne, while others have been able to go to their homes or attend to their business in the adjacent States. This morning an honorable member has asked that the Tuesday's sitting be suspended for a week in order that he may remain in New South Wales next Tuesday. If a spirit of fairness is displayed honorable members will recognise that Queensland, Western Australia, and Tasmania are also integral portions of the Commonwealth, and that the representatives of constituencies in those States, who are obliged to live in Melbourne continuously in order to do their duty to their electors, should receive some consideration.

Mr. CHARLTON.—I can give the honorable member the tip that he will not get home one day earlier by sitting here six days a week.

Mr. PROWSE.—That statement can only be interpreted as a reflection on this Parliament. I intend to sit in the House while there is business to be done. When the work is completed the Government can go on with its administration, and members can return to their constituencies. It is quite impossible for Queensland and Western Australian members to have any talk with their constituents during the session, unless they ask for leave of absence. I am in thorough agreement with the increase in working hours asked for, especially in view of the fact that there is such a pressure of business, all of which is needed in the interests of the country.

Question resolved in the affirmative.

CONCILIATION AND ARBITRATION BILL.

In Committee (Consideration resumed from 25th August, *vide* page 3827):

Clauses 6 to 9 agreed to.

Clause 10—

Section 28 of the principal Act is amended by adding at the end of sub-section (2) the following proviso:—

"Provided that, notwithstanding anything contained in this Act, if the Court is satisfied that abnormal circumstances have arisen which affect the fundamental justice of any terms of an award, the Court may, in the same or another proceeding, set aside or vary any terms so affected."

Section proposed to be amended—

(1) *The award shall . . . . . subject to any variation ordered by the Court continue in force for a period to be specified in the award, not exceeding five years from the date of the award.*

(2) *After the expiration of the period so specified, the award shall, unless the Court otherwise orders, continue in force until a new award has been made.*

Mr. CHARLTON (Hunter) [11.59].—I wish to move—

That before the word "Provided" in the proposed new proviso, the following words be inserted:—"The provisions of such new award shall be retrospective to the date of the expiration of the specified period of a previous award or agreement, and in cases where there has not been a previous award or agreement the Court may make a new award retrospective to the date of the claim."

The object of the amendment is to protect unions in cases where an award has expired, but in order to place before the Committee exactly what unions desire in this respect, I quote the following letter, written by the secretary of the Federated Felt Hatting Employees Union to the Prime Minister's Department:—

Sir.—Your memo. of the 13th inst. to hand, in which you inform me that the suggested amendment to the Commonwealth Conciliation and Arbitration Act 1904-18, contained in my letter to the Prime Minister of 19th June, 1920, has been considered in connexion with the amending Bill now before Parliament.

In reply thereto I beg to state that I have read the Bill containing the amendments to this Act, and I find that my suggested amendments have been entirely overlooked, and, as they are of supreme importance to my union, I am writing you, as it is possible that my communication of the 19th June did not make the matter clear.

1. Amend section 28, sub-section (2), so as to expressly empower the Arbitration Court to make a new award retrospective to the date of the expiration of the specified period of a previous award or agreement, and, in cases

where there has not been a previous award or agreement, to make a new award retrospective to the date of the dispute.

This amendment is a vital one to all unions applying to the Court for an award; and in regard to my own union the facts briefly are as follow:—We had an award of five years, which terminated last September, 1919. We have served a fresh log on employers with no good result, and have filed a plaint in the Court, but, unfortunately, we have to wait a long time in order to get a hearing. Our members are naturally restive, as the times are abnormal, and they state that if they wait for the Court to obtain redress the Court should have the power to make a retrospective award to the date of the specified period of the previous award.

This suggested amendment would improve the Bill materially, and would prevent a lot of industrial trouble, and this section of the Act was, by the High Court, unanimously commended to Parliament so that this power may be given to the Arbitration Court.

2. Power should be given to the Court to decide questions as to the interpretation of its awards without requiring the parties to the award to adopt the procedure of applying to the Court for a penalty against the other party in order to obtain a decision as to the proper interpretation of the award.

3. Power should be given to the Court to enforce and administer its own awards in the manner intended by the 1914 Act.

I concur with the writer of this letter as to the position when a union, having served a fresh log on the employers, fails to get a hearing in the Court within a reasonable time. These, as the writer says, are abnormal times. Where a union has loyally honoured an award made five years ago—where it has continued to work under that award, notwithstanding that the cost of living has gone up considerably—surely it is only fair and reasonable that, where delay occurs in getting before the Court, the new award should date back to the expiration of the old award. We know that the business of the Court has been congested for a considerable time, with the result that many unions have not been able to secure a hearing. In these circumstances, twelve months might elapse between the date of the expiration of an award and the making of a new one.

Mr. MAXWELL.—Might not the *personnel* of that union, and various other matters relating to an industry in respect of which a five years' award had been made, have changed so much that it would be very difficult to meet the altered circumstances?

Mr. CHARLTON.—Generally speaking, there is not much change in the case of fixed industries. The conditions do not vary, but, having regard to the increase in the cost of living, the men may think that they are entitled to a slight increase in wages.

Mr. BLUNDELL.—It is merely a matter of wages.

Mr. CHARLTON.—Chiefly. This union filed a plaint, but it has been unable to get a hearing. Twelve months might elapse before a new award could be made. In these circumstances, a union, being unable to obtain better terms, might feel that there was no alternative but to take special action. Where months elapse between the expiration of an award and the making of a new one owing to the business of the Court being congested, we shall practically invite the men to take direct action if we do not provide for the new awards being made retrospective. It is only fair that they should be retrospective. Such a provision would not work any injustice to the employers. In order to avoid these cases of hardship, we should endeavour, as far as possible, to expedite hearings before the Court. The Industrial Peace Bill will considerably reduce the number of cases to be heard by the Court, and will thus, I hope, improve the position; but the request contained in this letter is a fair one.

Mr. MAXWELL.—It certainly seems to be fair.

Mr. CHARLTON.—I hope that it will be conceded. I come now to the next position. A dispute takes place in an industry in respect to which there is no award. The employees determine, however, that they will not stop work. They say, "We have an Arbitration Court, and we will appeal to it." They do so, and they ask that the award, when made, shall date back to the time of the dispute. That, I think, is also a fair proposal. It is in this way alone that we can carry on arbitration in a satisfactory manner. Those who are chiefly concerned in industrial matters must have a reasonable assurance that their cases will be dealt with as promptly as possible, and that, where there is delay in hearing their plaint, justice will be done

them by making the award retrospective to the date of the dispute.

Mr. Maxwell.—That would secure continuity of favorable conditions.

Mr. CHARLTON.—Exactly. We cannot expect the workers to submit to losses in order to get before the Court. To require them to do so would be to sap their confidence in the Court. If they have a dispute and file a plaint, they are not to blame for any delay in hearing that plaint; and, therefore, I hope the Minister will accept both these proposals.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [12.8].—The Deputy Leader of the Opposition (Mr. Charlton) has raised a very important question. I have already given some consideration to it, and have had framed a proposal which I think will fairly meet the position. The legal aspect of this question recently came before the High Court in the case of the *Federated Gas Employees Union* versus *The Metropolitan Gas Company Limited* (27 C.L.R., p. 72). It was also considered in the case of the Waterside Workers Federation, which came before the Full Court in Sydney quite recently. The decision in that case has not yet been published in the law reports, but I have obtained a note of it, and find that it meets one of the points raised by the honorable member, that where a dispute arises in an industry in respect to which there is no award in existence the award made by the Court on the filing of a plaint may be made retrospective to the date of the dispute. It was held by the Court that, if there has been no previous award, the Arbitration Court has power to make an award to have effect as from the date upon which the dispute existed, whether that be the date of the refusal of the demands of the employees or the filing of the plaint. That meets one of the points raised by my honorable friend. The next, which is exceedingly important, also came before the Court. It arises under section 28 of the principal Act, and relates to the question as to whether, where an award has expired, the Court can subsequently make an award retrospective to the date of its expiration. Under section 28 of the Act it is provided that—

> The award shall be framed in such a manner as to best express the decision of the Court and to avoid unnecessary technicality, and shall, subject to any variation ordered by the Court, continue in force for a period to be specified in the award, not exceeding five years from the date of the award.

Under that provision the Court has power to specify the period during which an award shall run. Having made this enactment, the Legislature was confronted with the further question as to what provision should be made in the case where an award had been made for a specified period, and that period had elapsed. It accordingly provided in sub-section 2 of section 28 that—

> After the expiration of the period so specified the award shall, unless the Court otherwise orders, continue in force until a new award has been made.

It is clear that under section 28 an award must stand for the period in respect of which it is made, but we have provided in this Bill that where the fundamental justice of the terms of an award is affected by abnormal circumstances the Court may vary any of those terms. The honorable member urges that where the period fixed for the continuance of an award has expired, but that award continues in operation by virtue of sub-section 2 of section 28 of the Act, the Court should have the further power to make its new award retrospective. I think that contention is just, and that some such power should be provided. The decision given by the High Court in the Waterside Workers Federation case, heard recently in Sydney, is vital. The Court held that where there has been a previous award the Arbitration Court has no power to make an award retrospective so long as the award is in force. Therefore, during the specified period of the award no fresh award can be made, nor, where the period specified in the award has expired, and the award is continuing in force by virtue of section 28, sub-section 2, of the Act, can the Court make a new award retrospective.

In other words, the Court held that there was no power under the Act to make any retrospective award. To my mind, that is too rigid, and is unjust. The Court went on to say, however, that, in such cases the operation of an award could be determined by an order of the Arbitration Court; it could order that the award cease, and make a fresh

award from the date on which it expired. I now propose, with the approval of the Committee, to insert an amendment in the Bill to the effect that the Court shall have power to make an award retrospective to the date of the filing of the plaint, or a date when the Court otherwise gets cognisance of a dispute. That, I think, is just.

Mr. Richard Foster.—A retrospective award might go back twelve months.

Mr. GROOM.—If a plaint has been filed, but there has been some failure of the Court to proceed with it, which has led to delay, the men should not therefore be penalized.

Mr. Richard Foster.—But what about a contractor?

Mr. GROOM.—A contractor will know from the date of the filing of a plaint what his liabilities may be.

Mr. Richard Foster.—But what about the contractor who had entered into a contract before the filing of a plaint?

Mr. GROOM.—He will be in the same position as he is in now.

Mr. Richard Foster.—Wicked injustice has happened under the law as it stands.

Mr. GROOM.—Every person who enters into a contract now knows that he is living in a country where awards affecting wages, hours, and conditions of employment generally may be made from time to time by the Arbitration Court, and tenderers usually bear that fact in mind. In some instances, owing to the uncertainty that exists, there have been refusals to enter into contracts, and again, it is sometimes provided in private contracts that, should an award increase the labour costs, the contractor may add the increase to his price. What we are concerned with is fair dealing towards all parties. I propose to make awards retrospective to the date of the filing of the plaint, not to any earlier period.

Mr. Maxwell.—Where would your amendment come in?

Mr. GROOM.—I propose to add to clause 10 a proviso in these terms—

> Provided that where in pursuance of this sub-section an award has continued in force after the expiration of the period specified in the award, any award made by the Court for the settlement of a new industrial dispute between the parties may, if the Court so orders, be made retrospective to a date not earlier than the date upon which the Court first had cognisance of that dispute.

The Court gets cognisance of a dispute under section 19.

Mr. Brennan.—Are you dealing now with cases in which there have been no previous awards?

Mr. GROOM.—No; with cases in which there have been awards. Where there have been no awards, an award can be made retrospective to the date of the dispute.

Mr. Richard Foster.—Would it not be better to arrange for a quicker despatch of business by the Court?

Mr. GROOM.—We are doing that: by instituting tribunals under the Industrial Peace Bill, by increasing the number of Deputy-Presidents of the Arbitration Court, and by handing over to a special Arbitrator all Public Service disputes.

Mr. Corser.—How would a manufacturer, the price of whose goods was fixed by a Price Fixing Board, be able to recover any loss caused to him by the making of a labour award retrospective?

Mr. GROOM.—Price-fixing is a matter for State tribunals, and one in which we cannot interfere. I presume that a price-fixing authority, finding that labour conditions had been changed, would vary the price. Price-fixing is based presumably upon the cost of production, into which the cost of labour enters. The position which I ask the Committee to consider is this: A body of men may for five years be bound by an award, and loyally observe it, but, becoming dissatisfied because of a change of conditions, they may ask for higher wages. The employer may reply that he will not pay higher wages. They may then, immediately the five-year period terminates, file a plaint in the Arbitration Court. We do not say that every award made by the Arbitration Court must be retrospective; but if in the peculiar circumstances of a case the Court is of opinion that an award should be retrospective, we give the Court power to make it so.

Mr. Richard Foster.—Will the condition apply both ways? There may be a big drop in the cost of living. Would the Court make an award retrospective in that case?

Mr. GROOM.—The Court may make any award retrospective if it thinks fit.

Mr. BRENNAN.—Will it have power to order the collection of what has been already paid?

Mr. GROOM.—That is another matter. I think that, with the generosity that characterizes it, the employing class would, under the circumstances that the honorable member for Wakefield has in mind, remember the maxim *de minimis non curat lex.*

Mr. CHARLTON.—Do I understand that the Court will have the power, in regard to any new claim, to make an award retrospective?

Mr. GROOM.—Yes; in the case where no previous award has been given, an award may be made retrospective to the day of the dispute.

Mr. CHARLTON.—And where an award has expired and a fresh claim has been made, can the new award be made retrospective?

Mr. GROOM.—Yes; to the date on which the Court has cognisance of the dispute, the simplest instance of which is the date of the filing of a plaint.

Mr. CHARLTON.—Can an award be made retrospective to that date?

Mr. GROOM.—Yes. Of course, if a body of men delayed to file a plaint after their original award had expired, they would have to suffer the consequences of the delay.

Mr. MAKIN (Hindmarsh) [12.26].—I have an amendment to move, which must take precedence of that suggested by the Minister. I move—

That after the words "amended by" the following words be inserted: "inserting after the word 'award' at the end of the section the words, 'Provided that the period so specified can, on application to the Court, be varied if the Court be satisfied that such variation is just'".

It may appear to a casual reader that the proposal in the Bill and that which I am now submitting would give the same result; but I am advised that the language of the Bill is of such a character that it will not do what it is intended to do.

Mr. GROOM.—You are now referring to the proviso in the Bill, not to the proviso upon which I have just been speaking.

Mr. MAKIN.—I am referring to the language of the Bill, which provides for the insertion of the following words:—

"Provided that, notwithstanding anything contained in this Act, if the Court is satisfied that abnormal circumstances have arisen which affect the fundamental justice of any terms of an award, the Court may, in the same or another proceeding, set aside or vary any terms so affected."

I have been given the legal opinion that that language is ambiguous, and leaves an opening to forensic contention as to the meaning of fundamental justice of any term or claim. I move the amendment with a view to assisting the Minister, feeling that it is clearer and more definite than the Government proposal.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [12.30].—I ask the honorable member not to press the amendment. When an award is made, a definite period is specified, and it is presumed that it is fixed on the circumstances and justice of the case. It is necessary to have certainty, in the interests of the parties immediately concerned, and of the public. It gives a sense of security to the men who invest capital in an industry; it is fair to the workers, who feel that they also are secured; and, of course, it is fair to the public, who often suffer most of all from disturbed industrial conditions. The Bill provides that notwithstanding that an award is fixed for a certain period, the Court may under certain circumstances vary the terms or set it aside. The wording adopted is taken from observations made in a joint judgment of Mr. Justice Isaacs and Mr. Justice Rich, in the case of the *Federated Gas Employees Union* v. *The Metropolitan Gas Company Limited* (27 C.L.R. 72, p. 87), as follows:—

The second observation is that, though we feel constrained by the words of the Act to determine this case as Parliament has plainly intended, yet the argument addressed to us as to the unforeseen circumstances was impressive. When the Act was passed the cataclysm of a world war was not foreseen or provided against. Without venturing to intrude into a domain not belonging to us, we are impelled to observe that the preservation of the present general plan of Section 28 is not inconsistent with a supplemental provision for emergencies that could not reasonably be contemplated, namely, provision to the effect that even during the specified period the arbitration tribunal may, in the event of abnormal circumstances arising which disturb the fundamental justice of the award, have power to adjust conditions.

It is proposed to provide that, nothwithstanding the fixed period, if abnormal conditions arise, the Court shall have the power to set aside or vary the terms.

Mr. BRENNAN.—Does the Minister say that varying the terms includes the power to limit the period?

Mr. GROOM.—The Court has power to set aside the award.

Mr. BRENNAN.—That is something different.

Mr. GROOM.—The Court can set aside the award and make a new one, or vary any terms. According to the amendment of the honorable member for Hindmarsh (Mr. Makin) that is left to the discretion of the Judge, and it seems to me there ought to be some safeguard or justification for the Judge taking the extraordinary power to set aside an award fixed for a definite period.

Mr. BRENNAN (Batman)]12.35[.—I think that the point raised by the honorable member for Hindmarsh (Mr. Makin) is at least clear, and is not covered by the Government amendment. Although under the latter there is power if the Court is satisfied that abnormal conditions have arisen, which affect the fundamental justice of any term of the award to set it aside or vary the term so affected, there does not seem to be expressly within the amendment any power to limit the length of time for which the award operates. As I understand the honorable member for Hindmarsh, he points out that it is logical, as we are giving the Court this power, to expressly confer a power to limit the period for which the award operates.

Mr. MAXWELL.—Is that not involved?

Mr. GROOM.—Power is given to reduce the period of the award.

Mr. BRENNAN.—I am inclined to think that room is left for subtle argument as to whether that is so or not.

Mr. GROOM.—One of the terms of the award is that it shall stand for a definite time, and the award may be set aside.

Mr. BRENNAN.—That may be so, but it is certainly open to argument that the terms of the award refer to the substance of it, the conditions of employment and rates of wages.

Mr. MAXWELL.—Surely the period over which the award is to operate is one of its terms?

Mr. BRENNAN.—I should be inclined to think so, but in my opinion it is not free from doubt, and it would be well to make it clear.

Amendment negatived.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [12.40].—In order to meet the objection raised by the honorable member for Hunter (Mr. Charlton) I move—

That the following words be inserted after the word "proviso," line 3:—"Provided that where in pursuance of this sub-section an award has continued in force after the expiration of the period specified in the award, any award made by the Court for the settlement of a new industrial dispute between the parties may, if the Court so orders, be made retrospective to a date not earlier than the date upon which the Court first had cognisance of that dispute."

Mr. BRENNAN (Batman) [12.42].—No doubt this amendment is a concession. One wonders what will be the effect in cases where there is no award, and which are apparently governed by the decision to which the Minister refers, in which cases it seems the award may be made retrospective to the date of the dispute. In the Gas Employees case, I think the decision was that the Court may make the award retrospective to the date of the dispute.

Mr. GROOM.—To the date at which the dispute existed.

Mr. BRENNAN.—It seems to me that this may well give rise to a great deal of argument, being much more ill-defined than the other date we are adopting.

Mr. GROOM.—It must be anterior to the plaint.

Mr. BRENNAN.—It must be, if the date can be found.

Mr. GROOM.—Like other questions of fact; it must be left to the Court.

Mr. BRENNAN.—It seems to me somewhat indefinite.

Amendment agreed to.

Amendment by Mr. GROOM agreed to—

That the words "Provided that" be left out.

Mr. RYAN (West Sydney) [12.46].—The clause confers upon the Court power to vary or set aside the terms of an award if, in the opinion of the Court, abnormal circumstances have arisen which affect the fundamental justice of any term of an award. Why should not the Court be given full discretion to vary or set aside an award if it thinks fit? The Court may have made a mistake in an award, and yet have no power to remedy it.

Mr. GROOM.—Does the honorable member refer to a technical mistake or a mistake in substance?

Mr. RYAN.—A mistake which the Judge makes in arriving at his decision.

Mr. GROOM.—The Court has power, under section 38, paragraph *o*, "to vary its orders and awards, and to re-open any question."

Mr. MAXWELL.—Surely the Judge has power to rectify any mistake.

Mr. GROOM.—That section would not give him power to set aside the terms of an award for a specified period.

Mr. RYAN.—The Court should have power to alter not only the term of the award, but also any conditions in its substance. The clause means a trammelling of the Court and a fettering of its decisions. I can quite understand that a legal argument might arise as to what are abnormal circumstances, and what is fundamental justice. Those are questions of law.

Mr. GROOM.—Questions of fact, surely.

Mr. RYAN.—It is a question of law as to whether certain facts constitute abnormal circumstances, and affect the fundamental justice of an award.

Sir ROBERT BEST.—Surely it is a question of pure fact.

Mr. RYAN.—It is a question of law as to whether certain facts can amount to abnormal circumstances.

Mr. MAXWELL.—Surely not.

Mr. RYAN.—I will give an illustration: Suppose that an atmospheric disturbance along the North-Eastern coast causes great destruction of property, and affects the work in the canefields, would that be an abnormal circumstance?

Mr. MAXWELL.—That is a question of fact. It would depend upon whether or not such disturbances occurred regularly.

Mr. RYAN.—Take another example: Assume that a tramway accident happens in Melbourne and the Judge holds that that is an abnormal circumstance, entitling him to vary an award in Adelaide. Could that decision be interfered with?

Mr. MAXWELL.—I should think so.

Mr. RYAN.—Yes, because as a matter of law that is not an abnormal circumstance in the meaning of the Bill. Consequently, it is a question of law as to what constitutes an abnormal circumstance. I favour an amendment that will leave it entirely in the discretion and power of the Court to say under what circumstances an award should be varied or set aside, just as the Court has full discretion and power to make an award in the original dispute. I move—

That all the words after the word "Act," in line 5, be omitted with a view to inserting the following words in lieu thereof:—"the Court may, if it thinks fit, in the same or any other proceeding set aside or vary the terms of any award."

Mr. GROOM.—We have already negatived the proposal that the Court should have power to alter the period of the award if the Judge thinks fit.

Sir ROBERT BEST.—The amendment would encourage frequent applications of the most trivial character.

Mr. RYAN.—The Court would deal with such applications as it thought fit. It must not be assumed that the Court is not possessed of the capacity and judgment to deal suitably with any frivolous application.

Mr. RICHARD FOSTER.—The honorable member is making the power of the Court too wide.

Mr. RYAN.—In the original hearing the Court has unfettered discretion, and I wish the Court to be in the same position in regard to any variations of an award. The Court should not be hampered.

Mr. RICHARD FOSTER.—This amendment would trammel industry.

Mr. RYAN.—I have no desire to do that.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [12.54].—I cannot accept the amendment. It strikes at the foundation of the principle of making awards for a specific period. An award must be given for a definite term in order to give security to all the parties concerned. If the variation of awards were left to the discretion of the Judge, without rule or guidance, the principle of awards covering a definite period and giving stability in industry would be destroyed.

Mr. MAXWELL (Fawkner) [12.55].—I hope the Committee will allow the clause to stand as printed, and that it will be made a substantive section in the Act instead of merely a proviso. I cannot understand the contention of the honorable member for West Sydney (Mr. Ryan) that the definition of abnormal circumstances involves a question of law and not of fact. I agree that an award ought to be made as stable as possible in order to

secure continuity of industrial conditions. I take it that before a Judge makes an award he takes into consideration all the circumstances of the case, not only present conditions, but also probable future conditions. The clause merely provides that if during the currency of an award circumstances arise which were not contemplated by the Judge when he made the award, he shall have power to say that abnormal circumstances have arisen which he could not have anticipated, and he will therefore vary his decision.

Mr. FENTON.—Is there not room for considerable argument and waste of time in regard to the meaning of the language employed in this clause?

Mr. MAXWELL.—I do not think so. Surely the Judge who considered the circumstances in existence when he made the award is best qualified to say whether the circumstances at a subsequent period are abnormal. That is simply a question of fact, and if, in his opinion, abnormal circumstances have arisen he will vary his award accordingly.

Sitting suspended from 1 to 2.15 p.m.

Mr. **BRENNAN** (Batman) [2.15].—I hope the amendment of the honorable member for West Sydney (Mr. Ryan) will be agreed to by the Government on reflection, because it will bring the clause into complete harmony with what I give the Government credit for being at least their present intention. That is that, an award having been made, if facts or circumstances of any kind are brought before the responsible expert authority, and are thought by him on examination to be sufficient justification for varying or setting aside the award, he may do so. It will, no doubt, be contended that the amendment goes very far in that direction, and it is because it does go some distance in that direction that I ask the Government to be logical and to give effect to what apparently is their intention in this matter. It has been urged by the honorable member for Wakefield (Mr. Richard Foster) that, if we give to a dissatisfied party the right to approach the Court at any time to vary or set aside an award during its currency, we shall do something which will tend rather to unsettle than to stabilize industries.

Mr. RICHARD FOSTER.—No; you have misunderstood me. What I said was that we should not make such a concession without some reasonable limitation.

Mr. BRENNAN.—What more reasonable limitation could be put upon the power to vary awards than the condition that a Judge of the High Court, appointed to consider these questions and expert in considering them, must hold that a variation or setting aside should take place?

Mr. RICHARD FOSTER.—But I never believed in a Judge deciding matters of this kind alone. I have always believed in a Judge plus two assessors, one on each side, because those men possess a technical knowledge which the Judge does not.

Mr. BRENNAN.—I should like to meet and help the honorable member to have assessors appointed for that purpose. Under the Act the Judge already has power to call assessors in aid, but I am quite prepared to support the honorable member in any reasonable proposal to increase that power. I agree that it would be wise to support the Judge by expert opinion and assistance in regard to the particular industry, or its conditions, upon which he has to come to a determination; but that is not the point before the Committee. I ask the Minister to consider seriously what may happen under the clause as it stands. Assume that, taking advantage of the amendment which the Bill proposes to make in the principal Act, an organization of employers or employees, because what applies to one must logically apply to the other, approaches the Court and asks the Judge to vary or set aside an existing award. The Judge immediately turns to this section, and asks himself: "Have abnormal circumstances arisen which affect the fundamental justice of any of the terms of the award?" The honorable member for Fawkner (Mr. Maxwell) and the honorable member for Kooyong (Sir Robert Best) are apparently satisfied that that is a question of fact. I think it is a mixed question of fact and law. I should like my honorable friends opposite to remember that this Act is being administered by no less a person than a Judge of the High Court, and although some of their friends have a good deal of suspicion regarding the present President of the Arbitration Court, which I do not share, they may find consolation in the reflection that he will not always be there. Honorable members opposite should not reflect, by these restrictive proposals, upon the High Court

as a whole. It surely cannot be said that the High Court as a whole is unduly partial to the claims of the industrialists. I can well imagine a Judge of the High Court asking himself: "Are the circumstances which have arisen abnormal, and, if they are, do they affect the fundamental justice of the award?" I can see the possibility of the Judge saying: "There is a number of things about this award which make me feel inclined to abrogate some of its terms, but I hardly like to go the length of saying that abnormal circumstances have arisen which affect its fundamental justice. That point might be arguable."

Mr. MAXWELL.—Would it meet your view to strike out "abnormal" and "fundamental?"

Mr. BRENNAN.—That might go a long way in the direction for which I am arguing, but why not leave the matter to the discretion of the competent tribunal created for the purpose of settling it? Why do the Government first indicate the principle which they think should govern these things, and then so restrict it by the wording as to make the application of the principle doubtful of fulfilment in a number of cases? Having set up this expert and highly-informed tribunal, we should be prepared to say: "If the Judge is satisfied upon the materials before him that the award should be varied or set aside, then let the Judge do it." I know there exists in the minds of some honorable members opposite the mistaken impression that organizations and their representatives find fun in creating disputes and going to Court and arguing these matters. No greater mistake could be made. It is safe to say that the less they have of the Court and of litigation the better they like it, and the better it suits them, and the simpler that litigation is when they must have recourse to it, and the clearer the terms of the laws under which they appeal to the Court, the better for them and the better for the general public. It may be a nice point, whether this is a question of fact or a question of law, but I can easily picture the seven Judges of the High Court sitting and arguing whether a circumstance is abnormal, or whether it affects the fundamental justice of an award, however fundamental justice may differ from ordinary justice.

Mr. RICHARD FOSTER.—Do you not think that, with a lay mind on each side, the Court would quickly arrive at a proper solution, and give more confidence outside?

Mr. BRENNAN.—Probably, but I do not think that affects the point with which I am dealing. I would welcome anything the honorable member could do in that direction, and assist him to do it. I ask the Minister not to insist upon the form of words used in the Bill, which, on the face of them, are likely to lead to protracted litigation and discussion. I only ask that the matter should be left to the judgment of the authority who is created for that purpose. I hope the honorable member for West Sydney (Mr. Ryan) will stand by the amendment, and I am not without hope that the Minister may see his way to accept it. We are making a most reasonable request, and I think the Minister ought to accede to it.

Mr. RICHARD FOSTER (Wakefield) [2.27].—What has been exercising my mind very greatly is the danger of the proposal without some reasonable limitation.

Mr. CHARLTON.—You will have sufficient limitation if you leave it to the Judge.

Mr. RICHARD FOSTER.—I am not satisfied, and I am sure the industries will not be satisfied. It will not give satisfaction outside. There are some plaints lodged in the Arbitration Court which have not been attended to for twelve months, and in one or two exceptional cases for even longer. If this amendment were made, and such a condition were to continue to exist, look at the matter from the point of view of the industries. They get no stability, and no industrial peace. The business man does not know what he is doing, because he does not know what he has to expect.

Mr. WATKINS.—Then how can he be a business man?

Mr. RICHARD FOSTER.—He is a business man for that reason. It means that he has to cover himself to be safe in any case, and all these things will be passed on and tend to increase the cost of living.

Mr. MAXWELL.—He has to provide against contingencies that may never arise.

Mr. RICHARD FOSTER.—Just because he is a business man, and knows

what he ought to do, he makes that provision. If he does not, and the contingencies do happen, he will very soon find himself in the Insolvency Court. Take the instance of a contractor who has put in a tender and signed a contract, possibly for work of considerable magnitude. If he has to face all the possible contingencies that may exist under this proposed amendment of the Act, he will have to provide against contingencies that may never arise. In order to protect himself, he may have to increase his estimate of the cost of labour by from 20 per cent. to 25 per cent. All these things operate against the public interest, and simply mean putting another shackle on those Australian industries which we want to build up. So far from making industrial peace more certain, the proposal will, I believe, operate in exactly the opposite direction. There should be some reasonable limitation. It ought not to be possible for a man to be involved in a very considerable amount of added expenditure over a period of from six to twelve months. I hope that, as a result of the legislation we have just passed, the Court will become more efficient from the point of view of the prompt despatch of business. I should not feel so much alarmed if we had provided for the appointment of assessors to sit with the Judge. If such a provision had been made in the original Act, the Arbitration Court would enjoy a larger measure of public confidence than it has to-day.

Mr. CHARLTON.—An amendment providing for the appointment of assessors is to be submitted.

Mr. RICHARD FOSTER.—I shall have pleasure in supporting it; but in the interests of industrial peace I appeal to my honorable friends opposite not to pass the amendment which has been moved by the honorable member for West Sydney.

Mr. CHARLTON (Hunter) [2.31].—I hope that the Minister (Mr. Groom) will accept the amendment which has been moved by the honorable member for West Sydney (Mr. Ryan). Such an amendment is necessary, because the clause as drafted leaves the whole position in doubt. If a union applies for a variation of its award the Court will have to determine whether the fundamental justice of that award has been affected by abnormal circumstances, and to that extent it will be shackled. It will be slow to make alterations in an award when it knows that it cannot do so unless the circumstances have not merely changed, but are "abnormal." It has been said that the amendment would only provide additional work for the Court. In my opinion, it would not lead to the filing of an additional plaint. A union decides at its various meetings whether the terms of an award require to be varied, and, having regard to the expense involved, it would not be likely to move for a variation unless there was substantial reason for doing so. Where a union has a grievance it will submit it to the Court quite irrespective of whether or not this amendment is incorporated in the Bill. We may safely leave this power in the hands of the President or Deputy President of the Arbitration Court. Do honorable members think that a High Court Justice would be likely to make an unjustifiable award? If this amendment be carried, the Court will have power to hear the evidence and to come to a conclusion on the facts as to whether or not the award complained of should be varied.

Mr. RICHARD FOSTER.—I fear that the Judge has made many unfortunate awards through want of technical knowledge.

Mr. CHARLTON.—That is quite another matter. This provision relates only to the varying of an award.

Mr. RICHARD FOSTER. — Technical knowledge is required in determining whether an award should be varied.

Mr. CHARLTON.—That point will be met by the appointment of assessors in the terms of the further amendment of which notice has been given. The Minister will be well advised to give this amendment consideration. We ought not to pass any clause in which there is an ambiguity. The clause as it stands is certainly unsatisfactory. How is the Court to determine what are "abnormal circumstances"? My experience convinces me that arbitration should be as free as possible from technicalities. The use of the words "abnormal circumstances" may give rise to a doubt on the part of the Court. The Court might consider that on the evidence an award should be varied, but it might be in doubt as to whether the circumstances were abnormal. Under this amendment

it will be for the presiding Judge to determine whether the request for the variation of an award is reasonable. The amendment will certainly improve the clause.

Mr. **GROOM** (Darling Downs—Minister for Works and Railways) [2.37].—I am unable to accept the amendment. The very essence of an award is that it shall provide for some continuity, and the words used in the clause have been taken from the considered judgment of two Justices of the High Court. The test of a real grievance regarding an award is that there is something in that award which is fundamentally unjust. The general intention of the Act is that these cases shall be considered apart from legal forms and technicalities. An award is made, and the parties look forward to its continuance over the period specified. In this clause, however, we recognise that where circumstances of such a character arise as to affect the fundamental justice of an award there should be power to vary the terms of that award.

Mr. MAXWELL.—Might there not be a discussion as to the difference between the "justice" and the "fundamental justice of an award"? What is the difference?

Mr. GROOM.—The matter complained of ought to be something which substantially affects the justice of the award.

Mr. CHARLTON.—If one section of an industry was unjustly affected by the terms of an award, could it be said that the fundamental justice of the award was affected?

Mr. GROOM.—Everything would depend upon the circumstances.

Mr. CHARLTON.—Would it be possible for the Court to vary an award because it unjustly affected one section of the whole of the industry to which it related?

Mr. GROOM.—If it transpired that owing to abnormal circumstances a section was unjustly affected, the Court would have power to modify the award.

Mr. CHARLTON.—What is meant by "fundamental justice"?

Mr. GROOM.—The idea is that an award is built upon certain foundations, and that if those foundations were so affected by abnormal circumstances as to interfere with the justice of the award, the Judge would vary its terms. We give power here to vary any of the terms of an award. That, I think, is fair. If we were to leave the whole matter to the discretion of the Court, it would be useless to make an award for any specified term. It is the definite fixing of the term during which an award shall operate that enables business men to make their business arrangements.

Mr. MAXWELL.—There might be a change of circumstances which could not be rightly classed as "abnormal."

Mr. GROOM.—I think the word "abnormal" would be read in conjunction with the rest of the clause.

Mr. RILEY.—Could not simpler words be used?

Mr. GROOM.—I think the words used fairly define the position, and that we are making a considerable departure in allowing awards that have been made on a certain foundation to be set aside or varied under the circumstances. A contractor who is about to tender for a big work might say, "There is an award applying to this industry which is to operate for three years, and I shall be justified in basing my contract on that award." But we are taking that sense of security away from such men by saying that the conditions under which his industry is carried on may be varied from time to time. We ought not to allow an award to be varied unless, by reason of abnormal circumstances, its fundamental justice has been affected.

Mr. RILEY.—A contractor always protects himself by providing that any increase in prices or wages shall be allowed for.

Mr. GROOM.—No such provision is made in Government contracts; but I need not discuss that aspect of the case.

Mr. **FENTON** (Maribyrnong) [2.45].—I am surprised that, when a reasonable suggestion is made to improve the Bill, the Minister will persist in hugging tightly to language which is ambiguous, and which will provide the legal fraternity with plenty of work in connexion with appeals. When this measure is placed upon the statute-book, employers will naturally submit it to their legal advisers for an opinion upon it. Probably

counsel will then say, "This Bill is couched in such ambiguous language that when litigation commences in respect of industrial matters, it will probably extend over a very long period indeed." Surely, if any of our legislation should be couched in simple language, it is that which relates to industrial matters.

Mr. GROOM.—It is not a question of legislation that is involved. It is one concerning the extension of power to invade an award. That is quite a different matter.

Mr. FENTON.—Even assuming that the arguments advanced by the Minister and by the honorable member for Wakefield (Mr. Richard Foster) are correct, I do not think that, under the proposal of the honorable member for West Sydney (Mr. Ryan), so much time will be wasted, and so much uncertainty created as will ensue if the amendment of the Minister be adopted. Under that amendment, I can foresee a great deal of confusion. The words "abnormal" and "fundamental" will form texts for many hours' discussion in our Law Courts. The honorable member for West Sydney has suggested a simple method of dealing with this matter. He proposes that if the Judge thinks fit he may vary the terms of an award. We are remitting to the President of the Arbitration Court very important duties. Why not empower him to vary an award if he deems it right to do so? The language embodied in the amendment of the honorable member for West Sydney is so simple that a layman can understand it, whereas that employed in the amendment of the Minister will lead to endless confusion. Had the Minister intimated that he was prepared to accept the former amendment the honorable member for Wakefield would have voted for it.

Mr. RICHARD FOSTER.—I would fight against both of them.

Mr. FENTON.—I think that the honorable member said that if he could be certain that there would be assessors——

Mr. RICHARD FOSTER.—I was then referring to the Minister's proposal, not to that of the honorable member for West Sydney.

Mr. FENTON.—The amendment of the latter is much simpler than is that of the Minister, which, if adopted, will serve only to protract industrial litigation. If there is one thing more than another which has tended to promote industrial inharmony, it has been the delays which have occurred in securing awards from the Arbitration Court. For instance, a great deal of time has been wasted in determining such questions as whether a dispute which was in existence was, in reality, a dispute. I would urge upon the Minister the desirableness of accepting the amendment of the honorable member for West Sydney.

Mr. RYAN.—When the matter comes before the Court, who will decide the meaning of the term "fundamental"?

Mr. GROOM.—The Judge.

Mr. FENTON.—That is exactly the point which the honorable member for West Sydney desires to make clear.

Mr. GROOM.—But he wishes to allow the Judge to vary an award upon any ground that he may think fit.

Mr. FENTON.—The Judge must decide the points which are at issue. Surely there is not much difference between the Minister's amendment and the proposal of the honorable member for West Sydney.

Mr. GROOM.—Then let my proposal stand.

Mr. FENTON.—No matter what the Bill may contain, the Judge must decide the matter. I think that we ought to make the position perfectly plain. We do not want to feed a lot of lawyers. The honorable member for Wakefield himself has said that if a contract had been entered into under an award which was afterwards varied, the contractor would be placed in a very bad position. May I point out that in most contracts provision is made to meet any increase which may take place in the price of material during their currency, and also to cover any industrial dispute which may arise.

Mr. RICHARD FOSTER.—Only in private contracts. Government contracts do not contain any such provision.

Mr. FENTON.—Then they should do so. I hope that the Minister will accept the amendment of the honorable member for West Sydney.

Mr. McGRATH (Ballarat) [2.52].—From what I can gather, both under the amendment of the Minister and that of the honorable member for West Sydney,

the Judge of the Arbitration Court will have to decide whether or not the terms of any award should be varied. But honorable members opposite profess to be anxious that unionists should have resort to the Arbitration Court. If the amendment of the Minister be adopted, the Judge of that Court may decide that abnormal circumstances have arisen in connexion with a particular industrial dispute, and this decision may lead to endless appeals. Litigation will thus be protracted, whereas, under the amendment of the honorable member for West Sydney, the Judge of the Arbitration Court would merely require to give his decision and the whole matter would be finalized. In the former case, the procedure may cost unions thousands of pounds in connexion with appeals which may be lodged. If honorable members opposite are sincere in their desire that unionists shall avail themselves of the Arbitration Court, they will vote for the amendment of the honorable member for West Sydney. I am satisfied that there is a number of honorable members opposite, who, whilst desiring to be loyal to the Government, wish to encourage unionists to resort to the Court.

Mr. RYAN (West Sydney) [2.55].—The Minister has said that my amendment is practically the same as his own.

Mr. GROOM.—I did not say that. I pointed out that it was not the same.

Mr. RYAN.—Not only is it not the same, but it is fundamentally different.

Mr. GROOM.—The honorable member for South Sydney (Mr. Riley) said that the two amendments are practically the same.

Mr. RYAN.—No. He said that the Judge of the Arbitration Court will have to decide whether the terms of an award shall be varied, no matter which of those amendments is adopted.

Mr. GROOM.—He said that there was no difference between them.

Mr. RYAN.—But under the Minister's amendment, the Judge of the Arbitration Court has a barrier put in front of him. Under it, he will be told that he must not take into consideration any application unless he is satisfied that abnormal circumstances have arisen, and that those abnormal circumstances have affected the fundamental justice of the terms of an award. I can quite foresee the probability of the Judge, upon an application being made to him, saying, "I am quite satisfied that this award ought to be altered. But the Legislature has told me that before I can alter it I must be satisfied that abnormal circumstances have arisen, and that those abnormal circumstances have affected the fundamental justice of the terms of the award. Consequently, although I think that the award ought to be amended, and although I believe that its amendment would result in the maintenance of industrial peace, in view of the will of the Legislature, which is supreme in these matters, I am prevented from doing what ought to be done." Such a position must inevitably make for industrial unrest. It is with a desire to avoid such unrest that I have submitted the amendment, the wording of which has been taken from the judgment of two of the learned Justices of the High Court, whose attention was directed to the fact that the war had created abnormal circumstances, which had affected the fundamental justice of a particular award. I can understand that in the future employees who desire to move for a variation of an award may be told that no circumstances short of a great upheaval will warrant the adoption of that course. It will be idle to urge that the high cost of living is an abnormal circumstance.

Mr. RICHARD FOSTER.—The high cost of living, owing to the drought, is surely abnormal.

Mr. RYAN.—Has not the cost of living been mounting for years? Can it be contended that it has only been going up since the war? The increase in the cost of living is a normal circumstance.

Mr. RICHARD FOSTER.—It is due to abnormal conditions. The honorable member does not regard the war as a normal thing.

Mr. RYAN.—I am not now speaking of the conditions which obtained during the war period, but of those which have since prevailed. The cost of living has risen owing to the neglect of the Legislature to take proper measures to prevent it.

Mr. RICHARD FOSTER.—I do not admit that.

Mr. RYAN.—The fact remains that the cost of living has gone up since the war. Is it a normal or abnormal circumstance that the cost of living continues to rise?

Mr. RICHARD FOSTER.—The honorable member's explanation of the position is a fallacious one. The increase in the cost of living is due to abnormal factors, such as drought and war.

Mr. RYAN.—Others may take a different view. If we empower the Judge of the Arbitration Court to say under what circumstances he will vary an award, we shall keep the safety-valve open which will encourage industrial organizations which are dissatisfied with the terms of an award to go to the Court.

Mr. RICHARD FOSTER.—But, under the amendment proposed by the Minister, they will be permitted to do that.

Mr. RYAN.—The Minister's amendment will permit of the adoption of that course, but before the Judge can vary an award, the applicant has to jump two hurdles. The Minister, in effect, desires to say to him, "Jump this one first, and then I have a higher one for you to get over."

Mr. GROOM.—The amendment is of a reciprocal character. It will apply to both sides to a dispute.

Mr. RYAN.—I know that. I want industrial organizations, whether they be organizations of employers or employees, to be able to walk into the Judge's chambers through an open door. I do not wish to see them compelled to get over a couple of hurdles.

Question—That the words proposed to be inserted be so inserted (Mr. RYAN's amendment) — put. The Committee divided.

Ayes	.. .. ..	24
Noes	.. .. ..	36
Majority	.. ..	12

AYES.

Blundell, R. P.	Maloney, Dr.
Brennan, F.	McDonald, C.
Charlton, M.	McGrath, D. C.
Considine, M. P.	Moloney, Parker
Cunningham, L. L.	Riley, E.
Fenton, J. E.	Ryan, T. J.
Gabb, J. M.	Stewart, P. G.
Hill, W. C.	Tudor, F. G.
Lavelle, T. J.	West, J. E.
Lazzarini, H. P.	
Mahon, H.	*Tellers:*
Mahony, W. G.	Mathews, J.
Makin, N. J. O.	Watkins, D.

NOES.

Atkinson, L.	Jackson, D. S.
Bayley, J. G.	Jowett, E.
Bell, G. J.	Lamond, Hector
Best, Sir Robert	Lister, J. H.
Bruce, S. M.	Mackay, G. H.
Cameron, D. C.	Marks, W. M.
Chapman, Austin	Marr, C. W. C.
Cook, Sir Joseph	Maxwell, G. A.
Cook, Robert	McWilliams, W. J.
Corser, E. B. C.	Poynton, A.
Fleming, W. M.	Prowse, J. H.
Foster, Richard	Ryrie, Sir Granville
Fowler, J. M.	Smith, Laird
Francis, F. H.	Wienholt, A.
Gibson, W. G.	Wise, G. H.
Greene, W. M.	
Gregory, H.	*Tellers:*
Groom, L. E.	Burchell, R. J.
Hughes, W. M.	Story, W. H.

PAIRS.

Anstey, F.	Watt, W. A.
Blakeley, A.	Bowden, E. K.
Page, James	Livingstone, J.
Nicholls, S. R.	Rodgers, A. S.
Catts, J. H.	Higgs, W. G.

Question so resolved in the negative.

Amendment negatived.

Mr. MAXWELL (Fawkner) [3.8].—I move—

That the words "abnormal" and "fundamental" be struck out.

I should be sorry to make a suggestion the tendency of which would be to affect the stability of an award of the Arbitration Court; but the object of the provision is to secure that, in the event of circumstances arising subsequent to the making of an award which affected its justice, opportunity should be given to have the award brought into consonance with justice. To me, the limitations on the Court imposed by the provision as it would be worded were my amendment carried would be quite sufficient. The provision, amended as proposed, would mean that those who came to the Court asking for the variation of an award, or the setting of it aside, on the ground that it was unjust, would have to prove to the satisfaction of the Court that circumstances had arisen since it was made affecting the justice of some term or terms.

Sir ROBERT BEST. — No matter how trifling?

Mr. MAXWELL.—The Court would not listen to a trifling application.

Sir ROBERT BEST.—But such applications would be made.

Mr. MAXWELL.—We must look at this matter from a practical point of view. No Court that had taken into consideration all the existing circumstances and had based its award on them would listen to any trivial suggestion for its amendment. Such a suggestion would ask the Court to stultify itself, which any Court would be slow to do. I feel that in the interests of justice we should make the wording of every section as simple and understandable as possible. I can conceive of all kinds of discussion about the meaning of the word "abnormal" if a case came before the Court for decision on the wording of the clause as it stands. As to the word "fundamental," if I were the Judge of a Court before which an application was made for the variation of an award, and if those making the application satisfied me that circumstances had arisen since the award was made that affected the justice of any term or terms, that is all the warrant I would require for varying it so as to make it just. I see no difference between justice and fundamental justice.

Sir Robert Best.—If the amendment were agreed to, the clause would have practically the same effect as if it had been amended in the way proposed by the honorable member for West Sydney (Mr. Ryan).

Mr. MAXWELL.—I do not think so. When we say to a Judge that it must be proved that since the making of an award circumstances had arisen that affected its justice, the applicant for the variation has a pretty big order to fill. The honorable member for West Sydney proposed to leave it to the absolute discretion of the Judge, even though the circumstances had not changed, to consider an application for a variation; so that a stronger case being made out on the same facts, it would be open to a Judge to vary his award. Under my amendment the Judge would say to those making an application for a variation of an award, "You must show that the circumstances have changed since I made the award." That places a limitation on the discretion of a Judge, and, from my point of view, quite a sufficient one.

Mr. Richard Foster.—There should be a material and substantial change, otherwise you are inviting persons to go to the Court for a better award.

Mr. MAXWELL.—I do not think so. Applicants would be better advised than to go to the Court with a trivial request. If they made such a request, they would, according to my experience of Courts, be soon sent about their business.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [3.13].—It is easy to make a provision simple and understandable if one is willing to sacrifice necessary safeguards. The honorable member for Fawkner overlooks the essential reasons for the making of awards permanent. To secure industrial peace there must be some termination to disputes. The amendment just defeated would have brought about the position that a few weeks after an award had been given the Judge could at his discretion tear it up and make another one.

Mr. Maxwell.—My amendment does not go so far as that.

Mr. GROOM.—The honorable member for West Sydney (Mr. Ryan) said that Judges always act according to justice, and that a Judge would not regard that as a just thing to do unless the circumstances warranted it; but when Parliament gives to a Judge power to set aside an award that has been made as the result of the taking of evidence with a view to the settlement, for a certain period, of an industrial dispute, it should lay down the conditions of its exercise. The conditions we propose are that the circumstances must be abnormal, and disturb the fundamental justice of any terms of an award. The first thing to be proved would be that the circumstances were abnormal. The abnormal circumstances must be such as to affect the fundamental justice of one or more terms of an award. There might be circumstances affecting an award that would not be abnormal. I admit that there is some difficulty in determining what circumstances are "abnormal," but a discretion must be left to the Judge. I would interpret the provision to mean that if some circumstances out of the ordinary arose which affected the foundations of an award there would be reason for varying it. To my mind, the essential part of the provision is that the altered circumstances should be such as to affect the fundamental justice of the terms of an award. I am willing to agree to the omission of the word "abnormal,"

but I refuse to agree to leave out the word "fundamental."

Mr. RYAN.—What is the difference between fundamental justice and any other justice?

Mr. GROOM.—When a Judge of the Arbitration Court is asked to make an award, certain inquiries are made, and the basis of those inquiries is the foundation of the award. What is implied by this provision is that the Judge should not vary an award unless he is satisfied that since it was made circumstances have arisen of such a character as to affect, fundamentally, the basis upon which it was arrived at.

Mr. MAXWELL.—That is not in accord with the phraseology the Minister has used, because what he proposes will cover the fundamental justice of a certain term of an award.

Mr. GROOM.—Quite so.

Mr. RICHARD FOSTER.—If the honorable gentleman would use the word "substantial" every one could understand it.

Mr. GROOM.—I am using the phraseology of two of the Judiciary, and "fundamental" would no doubt be interpreted to mean substantial, as something which goes to the very basis of any terms of an award. We are considering the matter in Committee as a deliberative assembly, and I am trying to discover the intention of honorable mebers generally.

Mr. MAXWELL.—If it could be proved that the circumstances were such as to affect the justice of an award, does the Minister think that there ought to be a variation of it?

Mr. GROOM.—Not necessarily.

Mr. MAXWELL.—Well, I think there ought, and we differ fundamentally on that point.

Mr. GROOM.—It is like asking "What is truth?" to ask What is justice? Justice is a difficult term to define, but we have a fair idea of what it is, and under my proposal it would be left to a trained Judge to decide the matter, whilst his attention would be directed to the fact that it must not be justice upon some minor point.

Mr. MAXWELL.—It might be in connexion with any term of the award.

Mr. GROOM.—If the Judge is asked to alter any term of an award it must be upon some fundamental matter.

Mr. BRENNAN.—The honorable gentleman is prepared to perpetuate an unjust award.

Mr. GROOM.—No; but I do not think that it would be unreasonable to continue an award for a definite time, although in some minor respects it might be considered to be working unjustly, since it might be much more important to secure stability in the conditions of the industry. There is no necessity to enter into an elaborate discussion of possible interpretations which might be put upon the phraseology of the clause, but as I have said, I am prepared to agree to the omission of the word "abnormal," so long as we indicate that the circumstances have to be of such a character as to go to the foundation of any terms of an award before it can be varied.

Sir ROBERT BEST (Kooyong) [3.20].—I can see no difference between the amendment submitted by the honorable member for West Sydney (Mr. Ryan), and that now submitted by the honorable member for Fawkner (Mr. Maxwell).

Mr. RYAN.—There is certainly no fundamental difference between them.

Sir ROBERT BEST.—There is certainly no substantial difference between them. It is the same thing expressed in different phraseology. The honorable member for West Sydney proposed that the matter should be left to the discretion of the Judge. The honorable member for Fawkner also realizes that the discretion of the Judge must be exercised in regard to the altered circumstances. I point out that when an award is made it is essential to the industry that it should give to the parties immediately concerned an assurance of stability of conditions for some time to come.

Mr. MAXWELL.—So long as its terms remain just.

Sir ROBERT BEST.—To agree to any proposal which might detract from the stability of an award would be to take a step in the wrong direction. It is quite true that circumstances may arise after an award has been made which would alter the justice of it. If some substantial injustice would be done by a continuance for some time of those altered circumstances, the Court would exercise its discretion, but the onus should be thrown upon the parties to show that some substantial injustice was being worked by reason of the altered circumstances. In that case, the Judge could vary the award. The essential thing is that we should not encourage the parties to an award to approach the Court for a variation of it,

except for really substantial reasons. I regard the amendment of the honorable member for Fawkner as a direct invitation to the parties to go to the Court at any time for the purpose of securing a variation of an award, it might be, for the most trivial reason. No matter how trifling the change of circumstances might be either of the parties, might, under the honorable member's amendment, make an application for the variation of an award. The Judge might refuse the application, and the party feeling aggrieved, might make a similar application next week, since there would be no power to penalize those who approached the Court without a substantial reason. The amendment in my view aims a direct blow at the stability of awards of the Arbitration Court, because it invites the parties to disturb them. Unless we can secure stability of conditions in an industry we cannot hope for its substantial progress. I believe that the Minister is acting wisely in agreeing to strike out the word "abnormal." The honorable member for West Sydney (Mr. Ryan) drew attention to the many difficulties of its interpretation. I think, however, that there is a reason why the word "fundamental" should be retained.

Mr. MAXWELL.—Because it is like the blessed word "Mesopotamia."

Sir ROBERT BEST.—I consider that it affects the whole meaning of the provision, and it should not be left out.

Mr. CHARLTON (Hunter) [3.25].—I hope that the honorable member for Fawkner (Mr. Maxwell) will stand by his amendment which is absolutely necessary for the improvement of this measure. When the amendment submitted by the honorable member for West Sydney (Mr. Ryan) was under discussion, the Minister was not inclined to agree to leave out the word "abnormal," an amendment which he is now prepared to accept. He then claimed that both words, "abnormal" and "fundamental," were necessary and should stand.

Mr. RYAN.—So did the honorable member for Kooyong.

Mr. CHARLTON.—That is so. Now both the Minister and the honorable member for Kooyong (Sir Robert Best) are agreed that the word "abnormal" might be left out.

Sir ROBERT BEST.—When I spoke on the previous amendment I said nothing about the word "abnormal."

Mr. CHARLTON.—They are both now prepared to compromise with the honorable member for Fawkner and omit the word "abnormal." But the same arguments apply with equal force to the omission of the word "fundamental." The honorable member for Kooyong argued that if we do not use the word "fundamental" we shall be inviting those working under an award to appeal to the Court to have it varied. It will make no difference to the industrial unions whether the word "fundamental" is used or not. If they think it necessary that the whole or some part of an award should be varied they will make an application to the Court to have it varied. They will not do so without substantial reason, because it will means money, and they can ill afford to waste money. When they have made application, the Court will have to decide whether the altered circumstances affect the "fundamental justice" of any terms of the award. That is the kind of thing which justifies industrialists in taking exception to the operation of the Arbitration and Conciliation Act. We do not make the provisions of our legislation simple enough. They should be expressed so plainly that all who read them can understand them. We have an admission from the Minister himself that there is doubt as to how the word "fundamental" should be defined. He holds that it should be retained in this clause to prevent unions appealing unnecessarily to the Court for the variation of awards. We cannot prevent them appealing to the Court. They will do so, and when they have done so the matter should be left to the discretion of the Judge. We may assume that he will be a sane man who knows his business, and will be able to decide according to the evidence put before him, whether an award should be varied or not. If the word "fundamental" is retained a doubt may arise as to whether the altered circumstances have affected the justice of the terms of an award, fundamentally or not, and the Judge may say that he questions very much whether the Legislature intended that the award should be varied, because of the difficulty of defining what the word "fundamental" means. The Minister having agreed to the omission of the word "abnormal," I am at a loss to understand his objection to also leave out the word "fundamental." Whether it is left out or not will make no difference in

the matter of appeals to the Court for the variation of awards, whilst if the word is retained the Judge will be placed in a difficulty to decide what it means. He may say that some alteration has taken place in the condition of things since he made an award, two years previously, which might justify him in varying it to some extent, but he may feel that he dare not do so because he is in doubt as to whether the altered circumstances affect the "fundamental justice" of the award.

Mr. MAXWELL.—He will say that the Legislature drew some distinction between justice and fundamental justice, and he will have to ask himself what it is.

Mr. CHARLTON.—Exactly. He may say, "How can I decide whether the altered circumstances affect the fundamental justice of the terms of my award," and if he is in doubt on the matter he may allow the award to remain, when it ought to be varied, because there may be further appeals as to whether he has exceeded his powers in regard to the "fundamental" justice of the terms of the award. The unions will apply for variation only when absolutely necessary, and the Minister would be well advised to allow the elimination of the word.

Mr. FLEMING (Robertson) [3.30].—I am glad that the Minister has consented to the elimination of the word "abnormal," which is too vague to be used with propriety in an Act of Parliament, and he ought to go further, and strike out the word "fundamental." There can be only one "justice"—justice must be on the side which aggregates more right than the other; there cannot be "justice," and "fundamental justice." From some of the speeches this afternoon one would think that this was a Bill to prevent the settlement of disputes, whereas the aim and intention is to provide for their more easy settlement; and it will be much more difficult to arrive at a settlement if we differentiate as to kinds of "justice." I hope the Minister will accept the amendment and make the clause simple, plain, and direct.

Mr. AUSTIN CHAPMAN.—And give less work for the lawyers.

Mr. FLEMING.—Quite so, and very much less trouble to the employees in an industry. To retain such terms is only to create confusion in the minds of those concerned, and make them afraid their cases may not be considered on their merits.

Mr. FENTON (Maribyrnong) [3.33].—I hope the Minister will accept the advice that has been tendered from both sides. I should like to quote from the *Concise Oxford Dictionary*, the meaning there given of the word "fundamental," as follows:—"of the ground work, going to the root of the matter, serving as base or foundation, essential, primary, original, . . lowest note of chord . . . produced by vibration of the whole sonorous body." In some of the larger dictionaries the definitions might run into half a page, and the Minister can quite imagine how the lawyers in Court would revel over a word with so many meanings.

Mr. GROOM.—My experience is that laymen "revel" much more than do the lawyers, and the honorable member is an example.

Mr. FENTON.—However that may be, I cannot see that the word "justice" needs any embellishment; there can be but one form of justice—that which is just.

Mr. BELL (Darwin) [3.36].—I am sorry that the Minister has consented to delete the word "abnormal" which I consider of more importance than "fundamental." It has been said that legal gentlemen will argue over the definition of "law" for hours and weeks, and, doubtless, there is scope for argument to a greater degree over such words as "justice." It is clear to me what "abnormal" means in cases of the kind that come before the Court; it means that circumstances have arisen that could not have been taken into consideration because they could not be foreseen when the original award was made. The Judge may not be able to define "abnormal," but he knows very well what "abnormal" circumstances mean as applied to an award he had already made. I dare say that even the honorable member for West Sydney (Mr. Ryan), or the honorable member for Fawkner (Mr. Maxwell), would have a great deal of difficulty in defining "justice" or "truth," though they may know very well what truth or justice is. In my opinion the word "fundamental" is not necessary, but it is only right to provide for "abnormal" conditions which may have arisen to justify the variation of an award. There are two sides to this as to every question. A contractor, for example, tenders for work, taking into

consideration the wages which will have to be paid; and if circumstances arise which the employees think justify them in claiming increased wages, he has to bear the brunt. I think the Minister has gone a long way in providing that an award may be varied at all. I am satisfied that the original wording of the clause was the best calculated to give justice to both sides; but since the Minister has consented to delete "abnormal," I do not think much harm can be done by deleting "fundamental."

Mr. RICHARD FOSTER (Wakefield) [3.41].—Now that the Minister has consented to delete the word "abnormal," I desire some restriction left. I fear that to delete "fundamental" would give a direct invitation and inducement to the men to appeal to the Court for, perhaps, 3d. a day extra.

Mr. MAXWELL. — Do you think "fundamental" will frighten them away from the Court?

Mr. RICHARD FOSTER.—I have always been convinced that in our Industrial Court there should be no lawyers at all. I may say that until I heard the honorable member for West Sydney (Mr. Ryan), the honorable member for Fawkner (Mr. Maxwell), and the Minister this afternoon, I thought I knew the meaning of the word "fundamental."

Mr. RYAN.—Would you be good enough to explain the difference between "fundamental" justice and "abnormal" justice?

Mr. RICHARD FOSTER.—The honorable member is putting the words in the wrong setting. I should infinitely prefer to substitute "substantial" for "fundamental," because the former is a word which everybody understands. The object is to give an opportunity to men to apply for a variation when they have substantial reasons—when circumstances arise that affect the value or the justice of a previous award.

Question—That the word "abnormal" be left out—resolved in the affirmative.

Question—That the word "fundamental" be left out—put. The Committee divided.

Ayes	.. ..	35
Noes	.. ..	22
Majority	.. ..	13

AYES.

Bayley, J. G.	Lister, J. H.
Blundell, R. P.	Mahon, H.
Brennan, F.	Mahony, W. G.
Chapman, Austin	Makin, N. J. O.
Charlton, M.	Maloney, Dr.
Considine, M. P.	Marr, C. W. C.
Cook, Robert	Maxwell, G. A.
Cunningham, L. L.	McDonald, C.
Fenton, J. E.	Moloney, Parker
Fleming, W. M.	Ryan, T. J.
Francis, F. H.	Stewart, P. G.
Gabb, J. M.	Tudor, F. G.
Gibson, W. G.	Watkins, D.
Gregory, H.	West, J. E.
Hill, W. C.	Wienholt, A.
Lamond, Hector	*Tellers:*
Lavelle, T. J.	Mathews, J.
Lazzarini, H. P.	Riley, E.

NOES.

Bell, G. J.	Jowett, E.
Best, Sir Robert	Mackay, G. H.
Bruce, S. M.	Marks, W. M.
Cameron, D. C.	McWilliams, W. J.
Cook, Sir Joseph	Poynton, A.
Corser, E. B. C.	Prowse, J. H.
Foster, Richard	Smith, Laird
Fowler, J. M.	Wise, G. H.
Greene, W. M.	
Groom, L. E.	*Tellers:*
Hughes, W. M.	Burchell, R. J.
Jackson, D. S.	Story, W. H.

PAIRS.

Anstey, F.	Watt, W. A.
Blakeley, A.	Bowden, E. K.
Page, James	Livingston, J.
Nicholls, S. R.	Rodgers, A. S.
Catts, J. H.	Hay, A.

Question so resolved in the affirmative.

Amendment agreed to.

Progress reported.

House adjourned at 3.54 p.m.

House of Representatives.

Tuesday, 31 August, 1920.

Mr. SPEAKER (Hon. Sir Elliot Johnson) took the chair at 3 p.m., and read prayers.

PAPERS.

The following papers were presented:—

Aerial Navigation—Convention for the Regulation of—Signed at Paris, 13th October, 1919.

North-Western Australia—Report by Mr. George Hobler of tour of inspection of.

Ordered to be printed.

SUPPLY OF COAL.

Mr. MAKIN.—I ask the Treasurer whether the attention of the Government has been drawn to a statement made by Mr. J. Entwistle at a recent meeting of the South Australian Gas Company. He is reported to have said that—

> They had heard a lot about supporting Australian industries, but he had been informed the other day that a certain well-known South Australian business institution, which controlled one of the big collieries in New South Wales, had practically sold the whole of their output to Japan, and that the shipment was so immense that the smoke of one steamer was not lost sight of by the second, and so on.

Is the Government aware of the circumstances referred to, and, if so, what action, if any, does it intend to take to conserve coal for the industries of Australia, which during recent months have been lacking supplies?

Sir JOSEPH COOK.—I was not aware of the facts stated; one usually has to go outside for statements of this kind. I do not pay much credence to the report. We are doing the best we can in the circumstances, and 30,000 tons of coal is on its way to Victoria. I hope that what is now happening will not be interrupted, because if the present supply continues the coal situation will soon be eased very materially.

Mr. FENTON.—Does your agent see that preference is given to Inter-State loading?

Sir JOSEPH COOK.—The purpose of his appointment is to see that overseas trade does not unduly interfere with trade between the States.

WHEAT POOLS.

Mr. GREGORY.—Will the Government take the earliest opportunity to give us definite information as to when we may hope for the settlement of the earlier Wheat Pools, and as to the arrangements that are being made in regard to this season's wheat?

Sir JOSEPH COOK.—Yes, certainly.

WIRELESS TELEPHONY.

Mr. FENTON.—Are the officers of the Postmaster-General making exhaustive inquiries about the possibilities of wireless telephony in Australia; if not, will the honorable member have inquiries made on the subject, so that Australia may receive the earliest possible benefit from the discovery?

Mr. WISE.—The control of wireless has not been completely taken over by my Department yet, but when it has been, an investigation of wireless telephony will be one of the first things undertaken.

WOOL POOL.

Mr. FLEMING.—Is the Government yet in a position to make a statement about the dividends from the Wool Pool?

Sir JOSEPH COOK.—I believe that the Prime Minister will make a statement on the subject in the course of the day; I hope that he will, because I want the wool-growers to know what they are going to receive, so that they may put some of the money into the Peace Loan.

PACIFIC ISLANDS MANDATE.

Mr. RYAN.—I ask the Treasurer whether the mandate for the government of the Pacific Islands has yet been received?

Sir JOSEPH COOK.—No.

HOURS OF MEETING.

Sir JOSEPH COOK (Parramatta—Treasurer) [3.7].—(*By leave.*)—I move—

> That unless otherwise ordered the House shall meet on each Tuesday at 3 o'clock p.m., on each Wednesday at 2.30 p.m., on each Thursday at 11 o'clock a.m., and on each Friday at 11 o'clock a.m.

The list of measures to be considered is lengthening, and we must increase the time available for their consideration.

Mr. TUDOR (Yarra) [3.8].—I object to the proposal to meet on Thursday mornings at 11 a.m., because it is too much to ask a member to sit in this chamber for practically twelve hours continuously. The Treasurer and I have seen the bodies of members carried from this building, and I believe that the long sittings of the past are the reason why so many men in parliamentary life have broken down. A member who takes his work seriously, as every member should, and attends conscientiously to his parliamentary duties, has to remain here for many hours at a stretch, and if we are required to come early on Thursdays, breakdowns will be more frequent in the future than they have been in the past. I say frankly that I do not intend to take as much upon myself as I have done.

Mr. Richard Foster.—You deserve a rest.

Mr. TUDOR.—I am going to take things more easily; because I do not wish to break down before my time. But I do not think that the long hours proposed for Thursday sittings are fair to members generally. Recently the Standing Orders were amended in such a way as to empower the Government to fix the time for the bringing of a measure to completion. When the alteration was proposed, it was said that there would be no all night sittings after it had been made. But there was an all night sitting on the first occasion on which the new rule was brought into operation. Similarly to meet at 11 on Thursdays will not prevent all night sittings.

Mr. MAXWELL (Fawkner) [3.10].—I agree with the views expressed by the Leader of the Opposition (Mr. Tudor). A large number of important measures await our attention, and if they are to be discussed intelligently, their examination will involve a considerable amount of time apart from the sittings of the House. We should have more time than we have for that purpose. I, therefore, intend to oppose the motion, in so far as it provides for the House meeting on Thursday mornings.

Question resolved in the affirmative.

COMMONWEALTH FACTORIES.

Control and Increase of Salaries.

Mr. FENTON (for Dr. Maloney) asked the Minister representing the Minister for Defence, *upon notice*—

1. What are the reasons for changing the control of the salaries of the Managers and Assistant Managers of the Commonwealth Government Clothing Factory, Harness Factory, and Woollen Cloth Factory by the New Regulation 1920, Statutory Rule No. 96?

2. Will the Minister give a list of all officers whose salaries he has the right of increasing?

3. Are such increases made by the Minister subject to veto by an authority; and, if so, by whom?

Sir GRANVILLE RYRIE. — The answers to the honorable member's questions are as follow:—

1. The salaries of the Managers of the Factories mentioned were previously based on the salaries paid to officers of the Professional Division; but objection having been taken by the Treasury to these officers being graded in the Professional Division, their salaries have to be fixed by the Minister from time to time.

2. Mr. H. A. Slade, Manager, Government Clothing Factory; Mr. G. E. Crowe, Manager, Government Harness Factory; Mr. J. Robertson, Manager, Government Woollen Mills.

3. Yes; by Parliament.

DEFENCE TWEED.

Allocation to Tasmania: Increase of Price.

Mr. JACKSON asked the Minister representing the Minister for Defence, *upon notice*—

1. Has an allocation been made to Tasmania of Defence cloth which is now being sold in suit lengths in Melbourne at 15s. per yard?

2. If so, what quantity, and when will it be available?

Sir GRANVILLE RYRIE. — The answers to the honorable member's questions are as follow:—

1. It is intended to make available to the public in all States a quantity of the cloth referred to.

2. Every State will receive its due proportion of the quantity available, taking into consideration population and climatic conditions. The date when sales will start in Tasmania cannot be definitely stated, but the necessary arrangements will be made as soon as possible.

Mr. LISTER asked the Minister representing the Minister for Defence, *upon notice*—

1. Whether the statement published that it is the intention of the Defence Department to increase the price of "Defence Tweeds" is correct?

2. If so, has the Minister seen a paragraph in the Melbourne *Herald*, of 24th August, 1920, in which it is alleged that a protest was made by a branch of the Returned Soldiers League, who, in "demanding an inquiry into the matter," resolved to handle no more material until the result of such inquiry was announced?

3. Will the Minister make a statement setting out the reasons for increasing the cost; and if any inquiry as desired was made, what are the results of such inquiry?

Sir GRANVILLE RYRIE. — The answers to the honorable member's questions are as follow:—

1. Yes.

2. The paragraph referred to has been brought under the notice of the Minister.

3. When the contract between the Department and the Returned Sailors and Soldiers Imperial League of Australia was entered into, wool was obtainable from the Wool Pool for local consumption at appraised rates; but provision was made in the contract that, if the price of wool altered, the price of the tweed would be increased to cover any increase in the cost of manufacture due to such alteration in the price of wool. In view of the fact that the Central Wool Committee requires all

wool ear-marked by manufacturers prior to 30th June, 1920, and put into manufacture after 1st July, 1920, to be paid for at enhanced prices based on London parity, it has been found necessary to increase the price of the tweed. The reason for increasing the price has been explained to the Defence Tweed Committee of the Returned Sailors and Soldiers Imperial League of Australia, and no inquiry is necessary.

REPATRIATION OF ITALIAN RESERVISTS.

Mr. LISTER asked the Minister representing the Minister for Defence, *upon notice*—

1. Whether the Minister will supplement a statement given in response to questions by the honorable member for Corio regarding the repatriating of Italian reservists, by making public the facts and circumstances of the case of Ferrando *versus* Pearce and Eles, the charge therein made by Ferrando, and the result of such litigation?

2. Will the Government publish reports in their possession as to propaganda by Italians and others in Victoria and Queensland, referring to secret opposition to the policy of the Commonwealth Government in calling up Italian reservists?

3. What action was taken by the Commonwealth Government in opposition to or prevention of the circulation of such propaganda, and what action was taken against individuals —who were they who circulated such propaganda, or supplied funds, or gave assistance therefor?

4. Was the Italian Government warned or notified of such propaganda, and is there any objection by the Government to authorize the publication of such notification?

Sir GRANVILLE RYRIE. — The answers to the honorable member's questions are as follow:—

1. The papers in this action are already available to the public by usual application, and payment of fee at the Courts, and no statement from the Minister would appear to be necessary.

2. It is not considered desirable that any reports which may be in the possession of the Department of Defence showing efforts made by Italian reservists and their friends to prevent their being repatriated, should be made public.

3. War Precautions Regulation 17E (*a*) provides that any person who, by any means, advocated or encouraged reservists not to comply with notices calling them up for examination or service, committed an offence. It is not considered that justification exists for the disclosure of any information the Department of Defence may have affecting persons who infringed against the regulations; but where it was considered sufficient justification existed, action was taken at the time in the ordinary Courts.

4. In matters of this nature, the proper person to report to the Italian Government would be the Italian Consul; whether he did so or not would not be known by the Department of Defence.

GANTRIES AT PORT PIRIE.

Mr. MAKIN asked the Minister for Home and Territories, *upon notice*—

1. Has the Government had negotiations with any private firm in the matter of their taking over the plant known as the Gantries at Port Pirie, South Australia?

2. What is the cost per ton of discharging coal from the vessel to the bins?

3. What is the cost per ton from the bins to the truck or dray?

4. What is the cost of storage per ton?

5. What is the cost of wharfage per ton?

6. What is the total cost of running the plant at per ton of coal handled?

7. What was the total income derived from the plant from 1st July, 1919, to 30th June, 1920?

8. What was the total expenditure from 1st July, 1919, to 30th June, 1920?

9. What was the amount written off for depreciation during the period from 1st July, 1919, to 30th June, 1920?

10. What was the total tonnage discharged from 1st July, 1919, to 30th June, 1920?

11. What tonnage could the plant have discharged had it been working for the period 1st July, 1919, to 30th June, 1920?

12. What was the total weekly wages during the discharging of vessels?

13. What was the total weekly wages during the period when no vessel was being discharged?

14. What is the total number of men employed, including the staff?

15. Is it the intention of the Government to hand the plant over to the State Government or a private firm?

Mr. POYNTON. — This question should have been addressed to the Prime Minister; but I have pleasure in giving the following reply:—

I shall endeavour to obtain the information asked for by the honorable member, and furnish him with a reply as soon as possible.

STATEMENTS BY COMPANY PROMOTERS.

Mr. FRANCIS asked the Attorney-General, *upon notice*—

1. Has the Commonwealth Government any control over company promoters?

2. If so, has it investigated the recent prospectus of an oil and cake mills in which it is stated—

(*a*) that a conservative estimate of the net profit of treating 1 ton of linseed is £20;

(*b*) that the estimated cost of crushing is 10s. per ton?

3. Will the Government take the necessary steps to protect the investing public by calling upon promoters of companies to substantiate their figures?

Mr. GROOM.—The answers to the honorable member's question is as follows:—

The scope of the War Precautions (Companies, Firms, and Businesses) Regulations under which the Commonwealth controlled the registration of companies formed for the purpose of carrying out operations in Australia was considerably reduced at the end of last year.

The control of the Commonwealth is now limited to firms and private and proprietary companies the membership of which does not consist wholly of natural-born British subjects; to foreign companies and firms; and to companies and firms partly or wholly formed with foreign capital or whose operations are to be carried on outside Australia.

CADET C. G. HUCKELL.

Sir GRANVILLE RYRIE.—On the 19th August the honorable member for Barrier (Mr. Considine) asked me—

1. Whether the lad, Clement George Huckell, who was sentenced to fourteen days' imprisonment on one charge, and seven days on another charge, for breaches of the compulsory military service sections of the Defence Act, on 26th March, 1920, and who was released from military custody upon serving fourteen days, was released upon instructions from the Minister or some subordinate official?

2. Is it a fact that this lad was re-arrested on the 13th instant, and conveyed to Fort Largs, South Australia?

3. Had the lad been called upon to return to his former custody in accordance with the provisions of the Defence Act?

I am now in a position to furnish the honorable member with the following information:—

Cadet Clement George Huckell was sentenced to two terms of detention, viz., fourteen days and seven days respectively, for breaches of discipline, the sentences to be cumulative. The first term was served forthwith, and expired on 8th April, 1920. Instead of serving the additional term immediately, Huckell was not called upon until 13th August—through misinterpretation by the Area Officer of departmental instructions governing such cases—to undergo the further detention of seven days. This detention expired on 18th August, 1920.

CONCILIATION AND ARBITRATION BILL.

In Committee (Consideration resumed from 27th August, *vide* page 3957):

Clause 10, as amended, agreed to.

Clauses 11 to 13 agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [3.20].—I move—

That the following new clause be added:—

3A. Section 8 of the principal Act is amended—

(*a*) by inserting after the word "orders" the words "encourages, advises or incites"; and

(*b*) by adding at the end thereof the following sub-section:—

"(2.) For the purposes of this section an organization shall be deemed to have ordered, encouraged, advised or incited its members to refuse to offer or accept employment, if—

(*a*) the Committee of Management of the organization has ordered, encouraged, advised or incited members of the organization to refuse to offer or accept employment; or

(*b*) an officer or officers of the Committee of Management has or have ordered, encouraged, advised or incited members of the organization to refuse to offer or accept employment, unless the Court before which the proceedings are brought is satisfied that the Committee of Management was not cognisant of the matter"

Section 8 of the Act is as follows:—

Any organization of employers or employees which, for the purpose of enforcing compliance with the demands of any employers or employees, orders its members to refuse to offer or accept employment, shall be deemed to be guilty of a lockout or strike, as the case may be.

It will be seen that to the word "orders" in the section I now move the addition of the words "encourages, advises, or incites."

Mr. CHARLTON (Hunter) [3.21].—This seems to be rather a far-reaching amendment as to the effect of which I am not quite sure. The section in the Act makes ample provision for dealing with organizations which are deemed to have committed an offence of the kind; and, altogether, the amendment appears to me rather an objectionable one. The Minister has given us no reason why this new clause is proposed, and I am afraid it might lead to a good deal of trouble. It is quite possible, in connexion with an industrial upheaval, or some anticipated trouble, that an officer may make certain remarks which do not represent the views of the organization with which he is connected, and, under the clause, the organization will be held responsible. It often happens in industrial troubles that a representative of the men takes a certain view, and places it before the members, but it does not follow that the members agree with it or accept his advice.

The members of the association may hold quite a different view, and, under the circumstances, they ought not to be regarded as having committed a contravention of the Act. The section in the Act at present is sufficiently effective, and has hitherto worked satisfactorily; but now, for some reasons of which we have not been told, we are asked to make it more drastic. The Minister ought at least to show the grounds on which he proposes to make the change. This is a clause which may not prove acceptable to the bodies outside concerned in industrial arbitration, and no one can say what it may lead to. We are not told whether the suggestion for such a clause emanates from the Department or from some industrial bodies, and evidently it was an afterthought, for it was drawn up after the Bill had been drafted.

Mr. RICHARD FOSTER.—It only proposes to make the law unmistakable.

Mr. CHARLTON.—It is unmistakable now.

Mr. BRENNAN.—The clause extends the law.

Mr. CHARLTON.—Of course it does, and in extending it makes it more drastic; indeed, it is a sort of dragnet, which may be applied in a way never intended. We cannot be expected to accept such an amendment without knowing what is the object or the reason for its proposal. It may have the effect of preventing any appeal to the Court at all, for if the Government go too far the industrial unions will have nothing to do with the Conciliation and Arbitration Act.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [3.29].—This clause has been proposed because of the practical working of the section in the original Act, which deals with an organization that "orders" its members to refuse to offer or accept employment. In any prosecution that takes place it has to be definitely proved that an organization gave such an order. I remind the Committee that at the instigation of honorable members opposite an amendment has been proposed providing that it is an offence for an employer to merely threaten to do a certain thing, and the clause now before us is an extension of somewhat the same principle. An organization which "encourages, advises, or incites" commits an offence just as much as an organization which "orders" its members to refuse to offer or accept work.

Mr. RICHARD FOSTER.—Does this clause apply to persons?

Mr. GROOM.—No, it deals only with organizations.

Mr. RICHARD FOSTER.—Why does it not apply to persons?

Mr. GROOM.—We have dealt with persons in previous clauses. The section we are amending deals only with organizations *qua* organizations. It provides that if an organization orders its members to refuse to accept or offer employment it commits an offence. In practice it has been found difficult to prove that an organization ordered a certain course of action, but organizations which incite and encourage the doing of certain things are just as much responsible for creating industrial turmoil as is an organization which actually orders the doing of those things. The honorable member for Hunter (Mr. Charlton) has said that the officers will become liable. This does not make them liable. When an organization is registered its rules provide for a Committee of Management, and anything done by the committee should be binding on the organization. Provision is also made for the appointment of officers. An organization will be liable if an officer or officers of the Committee of Management has or have ordered, encouraged, advised, or incited members of the organization to refuse to offer or accept employment, unless the Court is satisfied that the Committee of Management was not cognisant of such actions by the officers. In short, if an officer is engaged in agitating, ordering, encouraging, or advising members to go on strike, and the Committee of Management knows what he is doing, and is taking no steps to restrain him, the organization is held responsible. That is reasonable. Otherwise, a Committee of Management might have paid officers all over the country engaged in inciting the men to a certain course of action, but disclaim responsibility by saying "These things were done by our officers." If the committee were cognisant of the doing of those things, the organization should be held liable. An officer is the agent of, and is responsible to, the organization, which, therefore, is made liable for acts done with the cognisance of its managing body. The onus is thrown on the Committee of Management to show that they were not aware of the action of their

officers. An organization might be charged with having incited certain members to refuse employment. If it were proved that the person who did the act was an officer of the organization, and that he did the acts alleged, the onus would then be on the Committee of Management to satisfy the Court that they were not cognisant of what the man had been doing.

Mr. MAXWELL.—*Primâ facie*, the Committee of Management is liable for the acts of its officers, but it is open to them to show that they were not aware of those acts.

Mr. GROOM.—Yes. The Committee of Management ought to be cognisant of what their officers are doing, and if an officer is deliberately carrying out a policy contrary to that of the committee, they should deal with him.

Mr. MAXWELL.—But if he is doing these things privately, without the cognisance of the committee?

Mr. GROOM.—The committee can establish that fact in Court.

Mr. WEST.—This makes the whole committee responsible for the actions of one man.

Mr. GROOM.—Certainly. The organization, through the committee, must be answerable for the actions of its officers of which they are cognisant.

Mr. CHARLTON (Hunter) [3.37].—I am not inclined to accept the amendment. It goes a long way further than was intended when we adopted the principle of arbitration. The Act at present only refers to the offence which an organization commits if it orders its members to do a certain thing. The Minister laid very little stress on the additional words he is proposing to insert, viz., "encourages, advises, or incites." There is a vast difference between ordering a man to refrain from work and encouraging, advising, or inciting him to do so. An officer of an organization may give utterance to certain views which are not indorsed by the committee of the organization, but the organization is to be held liable.

Mr. GROOM.—Unless the Committee of Management was not cognisant of what the officer was doing.

Mr. CHARLTON.—I will state a case that occurs to me. Honorable members will remember that during the trouble in 1917, when the mines were held up because there were no engines running to convey the coal to port, it was claimed that the miners had taken sides in connexion with the dispute. I take the case of what occurred at the Richmond Main colliery, in which 200 or 300 men from the State of Victoria were employed. If when the difficulty was overcome, and the men who were out were asked to go back to their places in the mine, although the Richmond Main mine was only one colliery connected with the industry, an officer of an association of miners had said to the men that he did not think it would be advisable for them to go back to the mine to work with the men who had been introduced from Victoria, the organization would be held responsible under the proposed amendment. I say as a practical man that it would not be advisable for the men to go back to the mine to work with other men who had not been accustomed to work in gaseous mines, and thus take the risk of losing their lives because of the employment in the mine of inexperienced labour. When there is a strike on we are often carried away by our feelings, and these things are not reasoned out as they should be. If any prominent officer of a miners' organization took up the attitude which I have suggested as justifiable, and said that in the circumstances he thought members of the organization, if they desired to protect their lives, should not go back to the mine to work with inexperienced men, the organization, under the new clause proposed by the Minister, might be charged with encouraging or inciting the men to do certain things.

Mr. MAXWELL.—The Committee of Management would not be liable on those facts, because the officer to whom the honorable member refers would be acting on his own.

Mr. CHARLTON.—Suppose the Committee of Management of the organization took up the same attitude. I do not hesitate to say that if I were a member of the Committee of Management that is the attitude I would take up, because any inexperienced man working in a gaseous mine might strike a match, and the result might be another Mount Kembla disaster. I am reminded by the honorable member for East Sydney (Mr. West) that in some cases it may be 2 miles from the mouth of the mine to the face at which men are working, and in the event of an explosion of gas there is little hope that the men

would be able to get out. If in the circumstances I have mentioned the Committee of Management of an organization told the members of the organization that they did not think it would be wise for them to go back to their work, it might be claimed, under the proposed new clause, that the organization was guilty of doing something in the nature of a strike. In the case to which I have referred the owner of the mine and the State Government of Victoria were acting together, because it has since been proved that the owner asked the Victorian Government to put men from this State into the mine. The men employed in connexion with nine out of ten sections in an industry may be working, and because for some good reason those employed in one section refuse to work, and the officers of their organization advise them not to do so, it might be claimed that that is inciting the men to do a certain thing, and the organization might be held liable for the penalty under the new clause. I cannot accept that. I think that there is quite sufficient power in section 8 of the existing Act to enable us to deal with lockouts and strikes.

Mr. BRENNAN (Batman) [3.45].—The honorable member for Hunter (Mr. Charlton) stands upon solid ground in opposing the proposed new clause. Under the new clause an offence, which is a very serious offence, if one may judge from the penalties attached to it, is extended, and the class of persons proposed to be reached is also extended. When we refer to the original Act, to which reference has already been made, we find that it is provided that—

> An organization of employers or employees which for the purpose of enforcing compliance with the demands of any employers or employees orders its members to refuse to offer or accept employment shall be deemed to be guilty of a lockout or strike, as the case may be.

In the proposed new clause, taking my first objection to it, I find that the word "orders" in the section I have quoted has been extended to include "encourages, advises, or incites." Advising one to do a thing may, I suppose, be rightly classed to be a direction to do it, and a person who directs another to do a thing may well be held responsible. But when we consider the meaning of the words "encourages" and "incites," we get immediately into the realm of uncertainty, and we might easily find that persons or organizations would be held to be guilty of the offence with which the proposed new clause deals, by the use of language or of conduct which might certainly not be intended to give rise to an offence, and might be nothing more than a legitimate expression of candid opinion, upon, perhaps, a very difficult problem. I do not propose to support the extension of the offence in that way at all. These words are far too vague and general. Where such heavy penalties are attached to a so-called offence, the language used is much too indefinite.

When we come next to the class of persons to be reached, and this, perhaps, is a more important part of the proposed new clause, we find it stated that—

> For the purposes of this section, an organization shall be deemed to have ordered, encouraged, advised, or incited its members to refuse to offer or accept employment if—
>
> (*a*) the Committee of Management of the organization has ordered, encouraged, incited, or advised members of the organization to refuse to offer or accept employment; or
>
> (*b*) an officer or officers of the Committee of Management has or have ordered, encouraged, advised, or incited members of the organization to refuse to offer or accept employment—

and then follows the saving clause. That is a very important departure from the principal Act, because here it is proposed to make men liable for offences committed by some other person. The whole organization is to become liable to these extremely heavy penalties by reason of the fact that the Committee of Management has incited members of it to do certain things. The Minister himself has pointed out that the whole spirit of this legislation is to deal with organized bodies. The original Act provides for the very severe and drastic punishment of an organization. What is proposed here is a penalty for what might be called a quasi-criminal offence, and to make the whole of an organization, and therefore every member of it, liable for something which the Committee of Management does is, to my mind, most unjust. It is unjust in the light of the fact that language which is considered to be merely an incitement or encouragement renders the person who uses it subject to very severe penalties. There seems an element of clear vindictiveness in this extension of the clause to the persons to whom it is intended to apply. If we are dealing

with organizations, let us convict the organizations, and if we are dealing with persons, let us convict the persons. I do not applaud the legislation at all, because we should not make men subject to penalties who are thought to have committed offences unconsciously through their agents. A Committee of Management is set up, and because of some resolutions which the Government think ill-considered or unwise, every member of the organization, and the organization itself, may become liable, and extremely heavy penalties can be inflicted.

Mr. MAXWELL.—It would make an organization careful in selecting a Committee of Management.

Mr. BRENNAN.—I agree that, as far as terrorizing organizations are concerned, it may be effective, and as the honorable member for Fawkner (Mr. Maxwell) suggests, it may make them more careful. In our daily life, penalties are easily incurred, and people are careful, but if they are afraid of some transgression in carrying out their daily avocations because the law makes them so, it does not follow that the law is a good one. I think that the principle is bad, because it makes a man responsible in a quasi-criminal way for the acts of others. The language is dangerous in character, and it seems to me that the clause is intended to apply to persons in the community who are ordinarily supposed to be in opposition to the present Government. I oppose the proposed new clause.

Question—That the proposed new clause be agreed to—put. The Committee divided.

Ayes	31
Noes	13
Majority	18

AYES.

Bamford, F. W.	Jackson, D. S.
Bayley, J. G.	Lister, J. H.
Bell, G. J.	Livingston, J.
Best, Sir Robert	Mackay, G. H.
Blundell, R. P.	Marks, W. M.
Bruce, S. M.	Marr, C. W. C.
Cameron, D. C.	Maxwell, G. A.
Cook, Sir Joseph	Poynton, A.
Fleming, W. M.	Prowse, J. H.
Foster, Richard	Rodgers, A. S.
Fowler, J. M.	Ryrie, Sir Granville
Francis, F. H.	Smith, Laird
Greene, W. M.	Wienholt, A.
Gregory, H.	*Tellers:*
Groom, L. E.	Burchell, R. J.
Hughes, W. M.	Story, W. H.

NOES.

Brennan, F.	McGrath, D. C.
Charlton, M.	Ryan, T. J.
Cunningham, L. L.	Tudor, F. G.
Gabb, J. M.	West, J. E.
Lavelle, T. J.	*Tellers:*
Makin, N. J. O.	Fenton, J. E.
Maloney, Dr.	Moloney, Parker

PAIRS.

Watt, W. A.	Anstey, F.
Atkinson, L.	Watkins, D.
Bowden, E. K.	Blakeley, A.
Chapman, Austin	Page, James
Corser, E. B. C.	Mahony, W. G.
Lamond, Hector	Catts, J. H.
Jowett, E.	McDonald, C.
Wise, G. H.	Considine, M. P.
Gibson, W. G.	Lazzarini, H. P.
Hay, A.	Riley, E.
Hill, W. C.	Nicholls, S. R.
McWilliams, W. J.	Mathews, J.
Page, Dr. Earle	Mahon, H.

Question so resolved in the affirmative.

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [3.59].—I move—

That the following new clause be added:—

"14. Section 40A of the principal Act is amended by omitting from paragraph (*b*) the word 'specified,' (second occurring)."

The section proposed to be amended reads—

The Court . . . may—

(*b*) assign to the Board of Reference the function of allowing, approving, fixing, determining, or dealing with in the manner and subject to the conditions specified in the award or order, any specified matters or things which under the award or order may require from time to time to be allowed, approved, fixed, determined, or dealt with by the Board.

The word "specified," where it is employed for the second time, has been found to create a technical difficulty, for the reason that a question may arise over a matter not specified in the assignment of functions to the Board of Reference. It is impossible to foresee, when a Board of Reference is being appointed, all the matters which will arise under the award and which should be dealt with by the Board. The purpose of the omission of the word "specified," therefore, is that the Board of Reference shall have wider functions, and that it shall not be necessary, when appointing a Board of Reference, to specify all the matters and things with which it may deal.

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.2].—I move—

That the following new clause be added:—

"15. Section 41 of the principal Act is amended by omitting the words 'or article' and inserting in their stead the words 'articles, book, or document'."

Under section 41 the Court has power to order inspection of premises, and the person authorized may "inspect and view any work, material, machinery, appliances, or article therein." It is now proposed to leave out the word "article," and to insert instead "articles, book, or document." It has been found in operation that the section, as it stands, affords too narrow a scope of inspection. This will possibly meet the suggestion made by the honorable member for Adelaide (Mr. Blundell).

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.4].—I move—

That the following new clause be added:—

"16. Section 44 of the principal Act is amended by adding at the end of sub-section (2.) thereof the following paragraph:—

'or (*d*) any party to the award or order'."

The section sets out, with respect to the enforcement of orders and awards, the parties entitled to sue for the imposition and recovery of penalties. At present, the Registrar, or any organization affected, or whose members, or any of them, are affected, or any member of any organization who is affected by a breach or non-observance of an award, is entitled to sue for the recovery of penalties. It is now proposed to give similar power to "any party to the award or order."

Amendment (by Mr. CHARLTON) agreed to—

That the proposed new clause be amended by adding the words:—"or (*e*) any officer of the organization authorized under its rules to sue on behalf of the organization".

Proposed new clause, as amended, agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.6].—I move—

That the following new clause be added:—

"17. Section 48 of the principal Act is amended—

(*a*) by inserting, after the word 'breach', the words 'or to enjoin any organization or person from committing or continuing any contravention of this Act or of the award'; and

(*b*) by inserting, after the words 'of any contravention of', the words 'the Act or'".

Prior to its amendment in 1918, the Act provided that the Court might make an order in the nature of a mandamus or injunction to compel compliance with the award, or to restrain its breach under pain of fine or imprisonment; and it provided, further, that no person to whom such order applied should be guilty of any contravention of the award by act or omission. At present, there is power to enjoin persons from committing breaches of an award, but, at the same time, there is no power to prevent them from committing breaches of the Act.

Mr. BRENNAN.—There is no power to enable the Court to impose penalties for breaches of awards.

Mr. GROOM.—Penalties can be sued for. There are proper Courts constituted for that purpose.

Mr. BRENNAN.—If we had the constitutional power, this would be the proper Court.

Mr. GROOM.—The principal Act was amended in 1918 by the omission from section 48 of the word "Court," and by the insertion, in its stead, of the words "a County Court, a District Court, or a Local Court." Therefore, the Court which has the power to issue orders to enjoin is one of those Courts. It has been found, in the operation of the Act, that it is advisable to have the power now asked for. There should be power to bring either employers or employed before a Court, wherein to obtain an order enjoining them from continuing in contravention of the Act.

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.12].—I move—

That the following new clause be added:—

"18. After section 91 of the principal Act the following section is inserted:—

"91A. (1.) For the purposes of this Act the treasurer of a club shall be deemed to be the employer of any person employed for the purposes or on behalf of the club, and any proceedings which under this Act may be taken by or against the club may be taken by or against the treasurer on behalf of the club.

(2.) The treasurer is authorized to retain out of the funds of the club so much money as is sufficient to meet any payments made by him on behalf of the club in pursuance of this section.

(3.) In this section 'the treasurer' includes any person having possession or control of any funds of the club."

This amendment is really consequential upon one moved earlier in the Bill. There was doubt whether a club was an employer, and Mr. Justice Higgins held that, owing to the technical difficulty of definition, a club could not be held to be an employer within the meaning of the Act.

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.14].—At the present time if any doubt or difficulty arises in connexion with an award, the Court has no power to interpret that award. We desire that in case of doubt as to the meaning of any clause or clauses of an award the Court may have power to interpret it.

Mr. MAXWELL.—To say exactly what it means.

Mr. GROOM. — Yes. Some expression in an award may be ambiguous. In any case, it is to the interest of all parties concerned that the interpretation of an award shall be as easy and as expeditious as possible. I therefore move—

That the following new clause be added:—

"12A. Section 38 of the principal Act is amended by inserting at the end of paragraph (*o*) thereof the words "and to give an interpretation of any term of an existing award;".

Proposed new clause agreed to.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.16].—I desire at this stage to give notice of an amendment of an important character, copies of which will be circulated later. At present the Court entertains an industrial matter, hears the evidence, and gives a determination; but we are making provision for the appointment of a number of Deputies. I propose to amend section 11 so that it shall read—

There shall be a Commonwealth Court of Conciliation and Arbitration . . . . and shall consist of a President and such Deputy Presidents as are appointed in pursuance of this Act.

I also propose to move the insertion of the following new clause:—

6A. After section 18 of the principal Act the following section is inserted in Division 2 of Part III.:—

"18A.—(1.) Subject to this Act the jurisdiction of the Court may be exercised by the President or a Deputy President.

"(2.) The President or a Deputy President may, in any case in which he thinks it desirable so to do, invite one or more Deputy Presidents to sit with him.

"(3.) Where the Court is constituted of the President and one or more Deputy Presidents, or of two or more Deputy Presidents, and the members of the Court are divided in opinion on any question relating to the prevention or settlement of an industrial dispute, the question shall be decided according to the decision of the majority, if there is a majority, but if the members of the Court are equally divided in opinion the question shall be decided according to the opinion of the President, or, in his absence, according to the opinion of the Senior Deputy President.

"(4.) Notwithstanding anything contained in this Act, the Court shall not have jurisdiction to make an award—

(*a*) increasing the standard hours of work in any industry to more than forty-eight hours per week, or, where the standard hours of work in any industry are more than forty-eight hours per week, increasing the standard hours of work in that industry, or"

My amendment relates to awards to determine the number of hours which may be worked in any industry. The State Parliaments have power to fix hours of employment, but this Parliament has not that power, though in the settling of an industrial dispute the Courts may determine what shall be the hours of labour.

Mr. RYAN.—Is not that directed at an inquiry that is now proceeding?

Mr. GROOM.—It is intended that a matter of such importance as the fixing of the hours of labour, which cannot be dealt with by this Legislature directly, or ought not to be so dealt with, shall be heard, investigated, and approved by two out of three Judges.

Mr. RYAN.—Then there must be two Deputy Presidents.

Mr. GROOM.—At least two Deputy Presidents, who, as the law now stands, must be members of the High Court or of a State Supreme Court.

Mr. CHARLTON (Hunter) [4.24].—I move on behalf of the honorable member for South Sydney (Mr. Riley), who is unavoidably absent—

That the following new clause be added:—

"4A. Section 11 of the principal Act is amended by inserting at the end of the section the words 'And two assessors to be appointed by the respective parties to the dispute.'"

The object of the amendment is to permit the parties to a dispute to appoint representatives to act with the Judge, and to advise him on matters pertaining to the industry. In connexion with the hearing of disputes many terms are used

which it is difficult even for a Judge to understand, and these experts would assist him to grip the position and to come to a more satisfactory decision. This is no new thing in arbitration——

Mr. MAXWELL.—Is it suggested that they shall act purely in an advisory capacity, or will they take part in the determination?

Mr. GROOM.—The honorable member for South Sydney himself said that they would take part in the determination.

Mr. CHARLTON.—This is not a new proposal. The first Conciliation and Arbitration Act passed in New South Wales, and known as Mr. B. R. Wise's Act of 1901 provided—

> The two members of the Court shall be appointed by the Governor—one from among the persons recommended in the manner and subject to the conditions prescribed in Schedule 2 by a body of delegates from industrial unions of employers, and the other from among the persons recommended as aforesaid by a body of delegates from industrial unions of employees; but, if any such body fails to make such recommendation, the Governor may appoint such person as he thinks fit.

The honorable member for South Sydney is really anxious that a similar provision should be inserted in this Bill, believing that it would facilitate the work of the Court. I think it would be of considerable advantage.

Mr. GREGORY.—Does the honorable member desire that different assessors shall be appointed for each dispute, or that two assessors shall be permanently appointed? The Western Australian practice is for the employers to appoint one assessor, and the employees to appoint another, and they constitute the Court.

Mr. CHARLTON.—I do not know whether permanent appointments would be in conformity with the Act.

Mr. GROOM.—No, it would alter the scheme of the Act.

Mr. CHARLTON.—That being so, we have to make provision that assessors may be appointed to deal with each particular dispute. The amendment is reasonable, and I hope it will receive favorable consideration.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [4.27].—I ask the honorable member not to press the amendment. If it were carried, section 11 of the principal Act would read—

> There shall be a Commonwealth Court of Conciliation and Arbitration which shall be a Court of Record, and shall consist of a President and two assessors to be appointed by the respective parties to the dispute.

It will thus be seen that under this amendment the assessors would be incorporated as part of the Court itself. Instead of providing that assessors shall be called in to deal with any particular dispute, the amendment would make them a component part of the Court.

Mr. GREGORY.—Section 35 gives all that power.

Mr. GROOM.—I was about to mention that section 35 provides that—

> The Court shall on the application of any original party to an industrial dispute, and may without such application at any stage of the dispute, appoint two assessors for the purpose of advising it in relation to the dispute, and the assessors shall discharge such duties as are directed by the Court, or as are prescribed.

Thus both the President of the Court and the parties to a dispute have power under the Act to secure the appointment of assessors to advise the Court.

Mr. BRUCE.—Does this amendment propose to give the assessors equal powers with the presiding Judge in arriving at the decision of the Court?

Mr. GROOM.—It would make them part of the Court itself, so that every reference in the Act to "the Court" would mean a Court constituted of a Judge and two assessors. That is a fatal objection. I think it would assist the Court to have two assessors, but that is a matter for the Judge himself to determine, in connexion with any dispute before him. The Government have announced on several occasions that the Act in its entirety is to be reviewed at a later stage.

Mr. GREGORY.—That was promised two years ago.

Mr. GROOM.—Quite so, but we have not had all the industrial powers we desire. A Bill to amend the principal Act is not only a hardy annual, but a promising one.

Proposed new clause negatived.

Mr. BLUNDELL (Adelaide) [4.35].—I move—

That the following new clause be added:—

"14. Section 27 of the principal Act is repealed and the following inserted in its stead:—

'(1.) On the hearing or determination of an industrial dispute an organization may be represented by a member or officer of any organization, and any party not being an organization may be represented by an employee of that party.

(2.) No legal practitioner, whether on the rolls or not, or solicitor's clerk, shall be allowed to appear before the Court, be heard, or attend the Court, in any hearing or determination of an industrial dispute.'"

I hope that my amendment will meet with a better reception than that accorded the amendment with which we have just dealt. In order that my position may not be misunderstood by my legal friends, let me say that, as a member of the State Parliament of South Australia, I availed myself of every opportunity to move to exclude members of the legal profession from the Conciliation and Arbitration Court. I recognise that in my proposed new clause I am making a most serious attack upon the strongest and most powerful trade union in the world. If it were carried, and resulted in a number of legal gentlemen being thrown out of work, I should be glad to assist the Government in establishing a bureau to find work for unemployed solicitors. I do not anticipate, however, that the exclusion of the legal profession from the Court would have that effect. We may trust the lawyers to look after themselves, and always to be able to earn a crust. I submit this amendment, in the first place, because I believe it essential to divest the Arbitration Court of any suggestion of the legal element. If I had my own way, even the President of the Court would not be a legal gentleman. My experience convinces me that the heavy expenses involved in approaching the Court constitute one of the gravest causes of dissatisfaction with the Court on the part of a great many of our trade unionists. Trade unions have made repeated efforts to reap the benefit of our industrial legislation. I remember one case in South Australia where the employees of the Tramway Trust attempted to register under the Act. A number of legal gentlemen appeared in the case; the application for registration was refused, and the association had to pay over £400 in respect of legal and other expenses. That is the sort of thing that creates among trade organizations a distrust of industrial legislation. Trade unionists are advised that the cheapest and most common-sense way of settling a dispute is to appeal to the Court. If they take that advice, with the result, which so often happens, that not only the accumulated funds of their organization are eaten up, but a special levy is made to provide for legal and other expenses, a sense of injustice is created, and an absolute distrust of industrial arbitration follows. In this way, their minds are prepared for the suggestion, which might be put to them very logically, that a lightning strike would at least cost no more than would an appeal to the Court, and that it might give them a better chance of securing a speedy verdict. Trade unions in South Australia are making levies every week to meet the legal expenses associated with an application to the Court, which involved the settlement of a question of interest to quite a number of unions. With all due respect to my legal friends, I find that lawyers appearing in the Court cannot refrain from putting before it the purely legal aspect of a dispute.

Mr. BELL.—Is that not necessary?

Mr. BLUNDELL.—No. If arbitration means anything, it means the coming together of the parties directly concerned, and the stating of their case by themselves, so that a settlement may be secured without reference to the dry and musty records of decisions given perhaps before we were born. In my experience I have known an Arbitration Court case argued for four or five days; and for this, I contend, there is no need; the simpler, easier and cheaper we make the administration of our arbitration laws the better for all concerned. I know that the Minister will say that section 27 of the Act really meets the position, because it leaves the appearance of legal gentlemen to the decision of the parties concerned. That section provides that on the hearing and determination of any industrial dispute an organization may be represented by a member or officer, and any party not being an organization may be represented by an employer, but no party shall except by the consent of all parties

be represented by counsel, solicitor or paid agent. There was a slight amendment made in that section in 1910, but it does not materially affect the principle laid down. Doubtless the Minister will contend that my proposal is unnecessary, because the matter is in the hands of the parties, but, despite that section, legal gentlemen do appear. Western Australia is the only place I know of where, under the conciliation and arbitration laws, legal representatives are absolutely excluded.

Mr. BRENNAN.—They cannot appear in the Commonwealth Court except with the consent of all concerned.

Mr. BLUNDELL.—That is true, but, still, the legal men get there; the members of the legal profession have a happy knack of getting to any place where there are fees to be earned. I am not so much concerned about the employers, who are very well able to look after themselves, but the employment of legal practitioners involves the workers in considerable expense. Men whose wages are not too high are called upon to find the means of protecting their interests, and to pay special levies for the purpose of meeting legal expenses. It is true that no legal men can appear if any of the parties object, but the circumstances are such that the men are given the idea that they get a better "deal" if they are employed. Even under the section of the Act the employers cannot be prevented from having the advice and assistance of legal gentlemen. In cases in which it is decided there shall be no legal men, it is true that no lawyer stands up and pleads openly, but a lawyer may sit immediately behind the representative of the employers, and every action and question in a particular case I remember was but an echo of the legal mind. That was in a case in which I was directly interested, and in which, in my simplicity, I thought the parties alone would fight the matter out. That sort of thing creates amongst unionists a feeling of unrest, and they determine, in many cases, to have a lawyer, involving, as I say, considerable expense. In my opinion the wisest thing to do would be to insert a clause which would not allow the Judge to sit in any place that even looked like a Court. The moment the parties get into a place with a legal atmosphere a feeling of antagonism is raised between the parties, whereas a gathering, consisting entirely of laymen directly interested, would prove a cheaper and better method of settlement. I have made it very clear in the clause I propose that no legal representative shall be allowed to sit behind the chair of the representative of either employer or employee. I tell honorable members quite frankly that the clause aims at the exclusion from the Court of all legal practitioners while a case is on, for, otherwise, the lawyers cannot be prevented from giving their advice and assistance, with the effects I have indicated. That particular portion of my amendment is copied from Western Australian legislation, and represents a step towards the ideal of a gathering of laymen directly interested. I look to the Treasurer (Sir Joseph Cook) to vote with me on this occasion, because, on looking up the records, I find that when that gentleman was a member of the New South Wales Parliament, and an Arbitration Bill was before the House, he moved to the effect that no person connected with the legal profession should be allowed to be even the Judge in an Arbitration Court. That, of course, goes a good deal further than I propose; but I think I can look for the honorable gentleman's support. There is another phase which I might incidentally mention, and of which I ask the Minister to take note. A few days ago representatives of a particular calling were summoned by the Court from all over Australia to appear at the hearing of a case. In South Australia the union concerned was put to an expense of over £20 in order to send the secretary and representatives, and the employers also had to find a good deal of money to cover their expenses. The Committee will agree that it is a scandal that all these representatives and witnesses should be called together from all parts of the country, and, in ten minutes, told that they could go home again. I do not blame the legal profession for what took place on that occasion, and merely mention it incidentally, with a hope that the Minister will see that such a thing does not occur again. The clause I propose will result in great saving to the employees, and eventually be the means of making both parties recognise that it is better for them to settle their own disputes without the intervention of the legal profession.

Mr. GROOM (Darling Downs—Minister for Works and Railways [4.50].—I ask the honorable member not to press his amendment, and I do so in the interests of the litigants in the Arbitration Court. The first part of the proposed new clause is now the law, and no party, except with the consent of all parties, may be represented by counsel, solicitor, or paid agent. If all parties desire to be represented by the legal profession, why should they not have the right to be so represented? The honorable member for Adelaide (Mr. Blundell) proposes that the parties shall be deprived of legal assistance, even if they wish to have it.

Mr. BRENNAN.—He takes the view that industrialists are not *compos mentis*—that they "do not know their job."

Mr. GROOM.—I think they "know their job" pretty well. The peculiar point is that, while it is proposed to exclude lawyers, a number of men are permitted to appear who are just as keen as any lawyer in raising objections and prolonging cases by calling witnesses. I do not say that these men cause delays wilfully, but they have not the same knowledge or appreciation of the relevancy of evidence that legal practitioners have. Giving my own individual opinion, I think it was a mistake to prevent the Court from having the advantage of the assistance of counsel if desired. Lawyers, by their training and experience, have a knowledge of what is relevant and what is not relevant, and their employment would shorten the proceedings, more clearly define the questions to be decided, and, on the whole, make the administration much better. However, Parliament has taken a contrary view, and it is not now proposed to reverse it. In the interests of the parties concerned, however, I ask the Committee to retain the provision that by the consent of all parties counsel may appear. In cases where employers or employees are not trained advocates, and are devoid of experience, why should they not have assistance? Such men, we know, have not always the requisite ability to put cases clearly and concisely, and it would be monstrous to prevent an employer or any organization which felt itself deficient in this regard from obtaining the best assistance possible. To prevent them from employing legal representatives places such organizations at a disadvantage, and, even now, they cannot have them unless all parties consent.

The honorable member for Adelaide speaks of the great expense entailed by the employment of lawyers, but if he analyzes the balance-sheets he will find that all the money is not spent in that direction, but is mostly required for the payment of witnesses, and of persons moving about to obtain evidence. The honorable member for Hindmarsh mentioned a few days ago a heavy legal bill, the bulk of which, I understand, was represented by witnesses' fees. Even the costs of an ordinary common law action often consist mostly of Court fees, and witnesses' fees; the remuneration for the profession often is relatively small. It would be very unjust to pass the amendment, and to prevent either party from getting, with mutual consent, the legal assistance it desires.

Mr. FENTON (Maribyrnong) [4.57].—I support the amendment, and am prepared to go very much farther in advocating simplicity of language in Acts of Parliament, particularly in industrial legislation. The language of industrial legislation should be such as to be readily understood by any layman, and, if possible, I would have a lay Court from which the legal fraternity were excluded entirely. That would be a wholesale, but wholesome reform.

Mr. GROOM.—The honorable member's party gets good legal men, does it not?

Mr. FENTON.—This country would be better without any legal gentlemen at all. One may take an Act of Parliament to half-a-dozen lawyers, and get half-a-dozen different opinions as to its meaning. As a rule, an ordinary individual can understand a newspaper paragraph. Why should we not have the same simplicity and clarity of language in our Acts of Parliament? Legal argument as to the meaning of Statutes has wasted more time and money than has anything else. Any opportunity I can get to limit the opportunities of the legal profession I shall take. There are comparatively few lawyers in the ranks of the Labour party, but, in any case, I would sooner have a man like the late Mr. Frank Hyett appearing for me in an industrial case than any legal man in the community. Mr. Smith, the present secretary of the Victorian Railways Union, and Mr. E. J.

Holloway, are able to present an industrial case to the Court in a way that wins the appreciation of the presiding Judge. Over and over again, Mr. Justice Higgins, who was an equity lawyer before his elevation to the bench, has complimented officers of unions upon the manner in which they have presented their case to the Court. Unionists will lose nothing by being represented by men of their own organization, who understand all the technicalities of their industry.

Mr. GROOM.—Nobody says a word against those gentlemen, but is there any reason for depriving other persons, who cannot put their case, of the assistance they desire?

Mr. FENTON.—Neither employers nor employees are in such a bad case. We have arrived at a stage when we can say good-bye to a lawyer at his office, and enter the Court without him. The Committee should grasp the opportunity of introducing the reform which the amendment suggests. The majority of honorable members do not belong to the legal profession, and for that reason they bring to bear on the business of the House a greater amount of common sense.

Mr. GREGORY (Dampier) [5.1].—At first sight, I was inclined to support the amendment, so that lawyers should be excluded from the Courts entirely, but I find that the section provides that neither party shall be represented by counsel, except with the consent of the other party. To such a provision, what exception can be taken? Surely the parties know their own business better than we do. We provide a Court, and say that the lawyer shall not enter it unless both parties are agreeable. Surely that is all we need do. If the employees desire the assistance of a lawyer, and the employers are agreeable to the appearance of counsel, the matter is one entirely for them to decide. It would be unjust for us to interfere. Therefore I must vote against the amendment.

Dr. MALONEY (Melbourne) [5.3].—I have much pleasure in supporting the amendment, for it is in conformity with my policy for the last twenty years. In my action against Sir Malcolm McEacharn, I had one experience of receiving legal advice that should not have been followed. Owing to legal technicalities, the Court officials would not accept my money, and I arranged with my solicitor that I would tender the money personally, if need be, planking it down on the counter and telling the official to go to Hades. Just as Gronlund, in his *Co-operative Commonwealth*, referred to Switzerland as an example of the efficacy of the referendum, initiative and recall, so he referred to Denmark for an illustration of simplicity in law. Many years ago, when Mr. Justice Higgins, as a member of the Victorian Legislative Assembly, secured the appointment of a Royal Commission to inquire into the simplification of the law, I introduced to him a Danish gentleman, who gave valuable evidence as to the procedure in Denmark. Briefly, it is this: If citizen A wishes to sue citizen B, he cannot do it directly, as is allowed under the laws of most other countries. He must first appear before a magistrate, a pacificator, who is sworn to make peace between citizen and citizen. The parties may meet before him at a table, and smoke and chat. Citizen A may claim £20 from citizen B; the latter says he owes only £15. The pacificator says he thinks B is in the right, and advises A to accept the offer of £15. If A refuses, he pays about 1s. 3d. for a process of law, and he and B appear before the pacificator in his magisterial capacity. The parties may call witnesses, but no lawyers may appear in the court. The magistrate writes down his decision, and the reason upon which it is based; obviously, it generally follows the suggestion he made at the informal conference. If the unsuccessful litigant is still dissatisfied, he carries the case to a higher court, in which both parties can be represented by counsel. But no fresh evidence can be adduced, and the lawyer can only argue on the written decision of the magistrate. In my opinion, and that of Gronlund, the legal system of Denmark is the simplest in the world. I have in my possession a document which to me is worth more than its weight in diamonds. A Mr. Christisen, who had been a police official in Australia for some years, and whose father had been the greatest medal maker in the world, succeeded to his father's estate, and went to Denmark to wind it up. Against his own inclination, he was persuaded by his solicitor to go to law. The letter I hold in my possession was sent to Mr. Christisen by his solicitor, and stated that the High Court of Den-

mark had penalized him with costs, but after consultation with his colleague, he had decided to pay all the costs, so that Mr. Christisen would be involved in no expense whatever. Mr. Christisen explained to me that as the High Court had held the advice of the solicitors to be wrong, they, as honorable men, had decided to pay the costs. When I tell honorable members that the writer of that letter three years later became Attorney-General of Denmark, they will recognise that he was a light in his profession. Whilst I loathe and detest the legal profession, there are many men amongst it whom I love and esteem, and I often find that my friendly feelings towards them are in conflict with my conscience. I was speaking recently with one of the few religious men whom I call friends, and, using a concordance to the Bible, he convinced me that all I might say of lawyers would be mild in comparison with what the good Old Book says of them. If any honorable member who desires material with which to slate the legal profession, I refer him to the Bible. The legal profession has too much power. If I were only one of two of the same mind, I should vote for the amendment. Two Judges of the Supreme Court and another Judge have said that the law should be altered to enable that unfortunate man, the Reverend Mr. Ronald, to secure justice; and we cannot get it done, in spite of the fact that, in Mr. Ronald's case, every witness for the plaintiff, with the exception of Sir George Fuller, who is now a member of the New South Wales Parliament, was sentenced for perjury and conspiracy. How can any one respect the law when such things as that can occur? One cannot blame the Minister for Works and Railways (Mr. Groom) for standing up for his crowd; but I may mention that the great Sumner, one of the greatest jurists that America ever produced, said that for the betrayal of a cause or a country you have not far to go; you can find one ready-made in any lawyer you meet. If the Committee will not agree to the amendment, I hope still to live to have an opportunity of voting for a similar amendment on a later occasion.

Mr. BRENNAN (Batman) [5.13].—If the proposal of the honorable member for Adelaide were directed to reducing in some way the emoluments or earnings of the members of the legal profession who are interested in industrial work, and if it were likely to have that effect, I should have contented myself by taking no part in the discussion, and enjoying a pleasant half-hour in the club-room while it was in progress. But there is an aspect of the amendment which moves me to say something, and to make quite clear why I am opposed to it. It has already been pointed out that, as the result of some amendments of the Arbitration Act, it is no longer possible for a party to arbitration proceedings to be represented by a legal practitioner unless all parties to those proceedings consent. It is not enough that an organization may desire to be represented in the Court by a legal representative, because the opposing parties may veto that desire by declaring that they do not consent. An organization of employers or an organization of employees might desire to exercise what, in other Courts, would be the right to be represented by counsel, but they may be prevented by this very drastic provision of the Conciliation and Arbitration Act from being so represented in the Arbitration Court, which requires the consent of all parties to proceedings before counsel may appear in the Court. The honorable member for Adelaide finds that, spite of this very strict legal enactment, there is an extraordinary and incorrigible tendency on the part of some industrialists in this country to seek legal advice and assistance.

Mr. GABB.—Why?

Mr. BRENNAN. — The honorable member asks me why. Surely it must be for the pleasure of paying the lawyers, or the joy they derive from association with them. It cannot be, one may suppose, that as sane men exercising their free will, they desire to avail themselves of the expert knowledge of experienced men in presenting their evidence or their case.

Mr. GABB.—Might it not be because the unionists know that sitting behind the employer is a trained lawyer, advising him, even though he does not appear in Court, and, as a consequence, both sides are represented by lawyers?

Mr. BRENNAN.—That might be the reason, to some extent. It might be that the industrialists know perfectly well that the employers, whoever they may be,

though they are in Court apparently without legal assistance, have, in fact, the benefit of legal advice. But how does the honorable member for Adelaide (Mr. Blundell) propose to overcome that difficulty? He proposes that—

> No legal practitioner, whether on the rolls or not, or solicitor's clerk——

Honorable members will mark that—

> shall be allowed to appear before the Court or to attend the Court in any hearing or determination of an industrial dispute.

I venture to say, with great respect, that a more ridiculous proposition was never submitted to a sane Parliament, if the proposed amendment be clearly understood in all its bearings. If it is to be logical, and certainly if it is to have any effect in the direction the honorable member expects, his amendment should go much further, and I would suggest to some extent how much further it should go. It should read—

> No legal practitioner, whether on the rolls or not, or solicitor's clerk shall be allowed to appear before the Court, to be heard, to attend the Court, or to be seen anywhere within the hearing of the Court, or in the right-of-way leading to or in proximity to the Court, or in the neighbouring hostelry within the hours that the same is open for the sale of liquor; and no industrialist shall be found in suspicious conversation with a legally qualified legal practitioner or his clerk or his typist, male or female, either in his office or elsewhere whereso-ever.

The TEMPORARY CHAIRMAN (**Hon. F. W. Bamford**).—Is the honorable member proposing a new clause?

Mr. BRENNAN.—No, sir; I am merely suggesting that in order that the amendment should be effective for the purpose desired by the honorable member who has moved it, it should be drafted upon lines similar to those I have indicated. If the honorable member reflects for a moment on the effect of his amendment, I cannot understand him seriously pressing it in its present form. If the industrialists, the workers, are so intent upon seeking legal advice in connexion with the presentation and argument of their cases that the honorable member thinks it necessary to exercise coercion upon them to the exent of preventing any one suspected of legal knowledge going into a Court where an ordinary member of the public may go, I do not agree with him. I am specially addressing myself to the coercion of industrialists involved in the amendment. It would appear that the honorable member regards the workers of this country as so many fools, who cannot resist the temptation to take the advice of a legal practitioner if they have any case to present to a Court. If that be so, the honorable member must go further and prevent, under penalties, those men going to the offices or places at which they would be likely to get advice from legal practitioners. If the prohibition is to operate, it must be carried out in its entirety; otherwise it will be utterly ineffectual.

Considering the amendment professionally or personally, I have not the very faintest interest in it or anxiety that it will affect lawyers in the slightest degree. I am not worrying about that. If I seriously thought that it could have an effect of that kind, I would not have addressed myself to it at all, lest it might be suggested that I am in some way personally interested in the matter, which I am not in the very least. What makes me speak about it—and I think I ought to speak—is that it is an absolute affront to the intelligence of the men who come to the Arbitration Court to suggest that they are dependent on the honorable member for Adelaide or any other honorable member for his wise legislation preventing them from exercising their own discretion as to whom they will consult and when they will consult him in matters of this kind.

Dr. MALONEY.—That is too thin.

Mr. BRENNAN.—The honorable member need not interject. He said a moment ago that although he loathed and detested the legal profession, there are many members of it for whom he has a great admiration and esteem.

Dr. MALONEY.—Worse luck, the honorable member is one of them!

Mr. BRENNAN.—I could not, in the face of that compliment, say what I intended to say. It is because of the absurd attempt to coerce the deliberate judgment of the industrialists—since it is for them I usually speak, and in them I have a particular interest—involved in the amendment, that I am absolutely opposed to it. For that reason I feel it my duty to protest against it. Speaking as one who has had some little experience, I may say that although the members of the legal profession are excluded, except with

common consent of all the parties, from appearing before a Judge of the Arbitration Court—a matter about which they make no complaint so far as I know; at all events, I do not make any at present — the truth is that organizations, in preparing their cases and collating the evidence in regard to them, exercise the judgment and common sense that wise men, or ordinary, normal men in other walks of life, exercise, availing themselves of the best information they can get for the purpose of expeditiously and wisely putting their cases before the Court. It is for that very obvious and natural reason that the law excluding the legal profession from the Arbitration Court has been largely ineffectual. For that reason, as the honorable member himself indicates, it happens that it will very often be found that a solicitor or solicitor's clerk is, at the earnest request and solicitation of the secretary of a union or the man acting for a union, seated behind him in Court helping him with his case. Nothing that the honorable member can do short of the absolute penalties such as those I have mentioned will prevent men from availing themselves of the advice and assistance of legal practitioners. I do not desire to go into the value of industrial work to the ordinary practitioner, or to the extent to which it is onerous, exacting, and sometimes unpleasant, because I do not want to be placed in the position of appearing to defend my own profession in this matter. I am opposed to the amendment because of its inherent absurdity and injustice, not to the legal profession, but to the unionists, and because it seeks to correct the judgment of men who are just as well able to think for themselves as is the honorable member for Adelaide. I know the prejudices that exist against the profession, and which arise very often from the fact that long, intricate and expensive arguments sometimes take place in Court as to the meaning of terms incautiously drawn by laymen who say what they mean and afterwards employ lawyers to find out what they mean, and as to the interpretation of Acts of Parliament, which we in our wisdom, and sometimes in our comparative lack of wisdom, may pass. That position is not affected by the particular proposal of the honorable member for Adelaide. I am opposed to it because it prevents men from exercising discretion and free and independent judgment without coercion. It seeks to deprive them in a purely futile way of their right to decide for themselves as to what advice or assistance they shall have, expert or inexpert, or whether they will have any at all. The law went far enough—I am not prepared to express an opinion as to whether it is wise or not —when it provided that industrialists shall not be at a disadvantage when appearing before a Judge by reason of the fact that the employers with their greater reserves have the assistance of counsel. But the honorable member for Adelaide goes further when he says that a legal practitioner, whether on the rolls or not, or a solicitor's clerk, shall not be allowed to appear before the Court, or be seen in the Court. The honorable member for Adelaide is reducing the proposal to an absurdity, and suggesting that intelligent men who take their case to the Court are so many dupes and fools because they sometimes seek the advice and assistance of expert men in connexion with the presentation of their case and the effect and method of collation of evidence. I oppose the proposed new clause, even at the risk of appearing self-interested, which I am not.

Mr. BLUNDELL (Adelaide) [5.30].—I quite realize that the honorable member for Batman (Mr. Brennan) is not opposing the proposed new clause merely because he is a member of the legal profession. The honorable member is in error in saying that the amendment has been brought forward without an expression of opinion from trade unionists, because I have moved the amendment at the request of the trade unionists. If the amendment is absurd and foolish, as the honorable member suggests, then those who have requested me to have it inserted must be foolish and absurd. This "absurd" clause is a copy of the legislation which was passed in Western Australia by the Labour party when in office, and my amendment has not been moved merely because a request has been made by trade unionists, because if the honorable member peruses the policy of the South Australian Labour party he will find that that party favours the absolute exclusion of legal practitioners from the

Arbitration Court. The honorable member knows that when both parties appearing in a case before the industrial Court are opposed to the appearance of legal practitioners, legal representatives are in the Court and sit directly behind the employers' representative, and actually speak to the Court through their representative. Legal gentlemen thus appearing do not do it for amusement, but because they are paid, and when they occupy a seat behind the employers' representative they conduct the case in just the same way as if they were sitting at the table. Some years ago, when a petition was lodged to upset a Senate election, an incident occured which will illustrate my point. Under the electoral code it is clearly and distinctly provided that no legal practitioner shall appear in an appeal case without the consent of both parties. In the case to which I have referred, I was an interested party and objected to the appearance of legal practitioners, particularly in the preliminary hearing. In the appeal, which was heard before Mr. Justice Barton, four persons were involved, and when we met in the Judge's chambers I was surprised to find that the three gentlemen I was petitioning against walked in with solicitors to assist them. I raised the point as to whether counsel could appear, at least at the preliminary proceedings, and I was informed that they could not. Although counsel did not actually conduct the case of these men, it was noticed throughout the proceedings that not one of them attempted to speak without consulting counsel. That is what is being done in the industrial Court, and, there is only one way to keep them out, and that is by inserting such a provision as I have suggested.

Mr. BRENNAN.—Then it will be necessary to fix a radius of 5 miles.

Mr. BLUNDELL.—I am not dealing with the absurdities of the position.

Mr. BRENNAN.—There would be nothing left.

Mr. BLUNDELL. — The honorable member had better inform the trade unionists who desire this particular amendment that it is absurd and silly, as they know where the boot pinches, and who has to pay for the work done. I know why organizations engage legal assistance, and if honorable members had sat in the Court as I have in connexion with industrial cases, they would understand the position. The employers' representative sits at the table with a leading solicitor behind him, and it is felt that the employees' representative might just as well also have the assistance of counsel. The average trade union secretary, or member of the trade union, could appear in these cases and do just as well as a legal practitioner, but foolishly they have the assistance of counsel, with the result that they spend their accumulated funds, and very often have to make a levy.

Mr. BRENNAN.—In two years' time a union secretary will become as bad as a lawyer.

Mr. BLUNDELL.—I do not think that any trade union secretary is likely to become as bad as a lawyer. I ask the House to realize that if we desire to make industrial legislation effective and prevent trade unionists from preaching the doctrine of direct action, we shall have to show them that arbitration is cheap, and that it will not cost them as much to go to the Court as it will to strike. Honorable members opposite know as well as I do that in many cases it has cost industrial unions as much to appear before the Arbitration Court as a strike would have involved. In the Bootmakers and Builders' Labourers cases, five or six strikes could have been successfully carried out for the money that was spent in going to the Court, and the industrial unionists of to-day that adopt constitutional methods have to pay as much as if they went on strike. In disputes between employees and employers, unionists do not desire to go to the Court, knowing that legal technicalities in every shape or form will be raised, and one of the best means of making arbitration effective is by inserting a provision to debar legal men from appearing. It is also very desirable that provision should be made to prevent industrial cases being heard in a building that resembles a Court, or before a person who is associated with the legal profession. The amendment I have moved has the support of trade unionists, and as it will be the means of facilitating the hearing of cases I ask honorable members to accept it.

Mr. GABB (Angas) [5.39].—I rise to support the proposed new clause moved by the honorable member for Adelaide. It

is not often that we agree, but on this occasion I must confess that he is right, in spite of the ridicule of the honorable member for Batman (Mr. Brennan). A majority of trade unionists are of the opinion that lawyers should be kept out of the Arbitration Court, and I am convinced that the trade unionists in South Australia think it would be in their interests if lawyers were prevented from appearing in industrial cases.

Mr. BRENNAN.—If a unionist wants to consult a lawyer, would the honorable member be in favour of preventing him from doing so?

Mr. GABB.—I would be in favour of permitting him to obtain advice in regard to the preparation of his case.

Mr. BRENNAN.—Then, your whole argument falls to the ground.

Mr. GABB.—The honorable member for Adelaide (Mr. Blundell) is not necessarily of the opinion that the advice of a member of the legal profession cannot be helpful to a trade unionist, or to a union organization, but that the presence of a lawyer in the Arbitration Court involves a waste of time and money; expenses are piled up, and the hearing is protracted. It is a simple matter for the lawyers to prolong a Court hearing. I can quite understand a wealthy employer being quite willing that his legal representative should protract a hearing. There are many employers who can afford to pay £1,000 where a struggling trade organization may find it hard to raise £10. The object of adding expenses, in such circumstances, is obvious. The point has been advanced that a lawyer is not permitted to be present in the Arbitration Court unless by consent of both parties. The honorable member for Batman (Mr. Brennan) says, "Surely the unions know their own business best." It is not so much a matter of the unions knowing their own business as of their feeling the necessity for engaging a lawyer in order that he, with his expert knowledge and training, may be able to counter the quibbles and technicalities raised by the lawyer for the other side. I once had to engage a lawyer. I did so, not so much that I felt that I could not conduct my own case, as that I was afraid of the legal technicalities which might be raised by the lawyer opposed to me. I have been sorry ever since, for my lawyer charged me two guineas for his advice that I should plead guilty.

Mr. GROOM.—The honorable member got off lightly.

Mr. GABB.—The point is that I was not guilty. The engaging of lawyers by unions is not due to the fact that the secretaries have been unable to adequately conduct their case, but it has been done because the unions are afraid of the disadvantage at which they might find themselves without the service of a lawyer when it came to the matter of arguing legal technicalities. I can quite understand the fears of the organizations in this respect. Before I went to college, I was always afraid to enter into an argument with a college-bred man, because I had the feeling that his special education gave him advantages which I would not be able to withstand. I had that same feeling of diffidence before I entered Parliament. I used to feel, when I was attending Labour conferences, and the like, that I was not equipped to enter into argument with members of Parliament, because they appeared to be especially wise and sane persons. Since I have entered this political arena, however, those ideas have departed. I sympathize with the attitude of trade unions generally towards members of the legal profession. They rightly fear that advantage may be taken by the other side if they themselves have not engaged legal advice. The bulk of public opinion is that the Arbitration Court would be infinitely more acceptable and successful if lawyers were barred.

Sir ROBERT BEST (Kooyong) [5.47].—The proposal under discussion is really amazing. I do not know why the unions consult lawyers at all; but I suspect that it is because of the benefits which the unions expect to accrue therefrom. They consult lawyers—I take it—in order to get the best possible advice in relation to the presentation of their case before the Court. The suggestion that the introduction of lawyers necessarily involves the protraction of a hearing must emanate from a miserable and unfortunate experience. The unions know what is best in their own interests. There is already provision that lawyers cannot be employed within the Court, except by the consent of both parties; and, if both parties agree that lawyers shall be employed, it is because each side is of opinion that it will be advantageous, both in its own interests, and for the assistance of the Court itself, thus actually securing—in the

matter of length of hearing—greater expedition. If it is a crime for lawyers to appear in the Court, in order to give parties the benefit of their expert training and knowledge, it must be, similarly, a crime for either party, or for anybody at all, to consult a lawyer. Honorable members who may differ from me will be consistent if they next move to make it a penal offence for parties to consult a lawyer. But would such a course of action be fair to the unions themselves? Would it not be passing a reflection upon the sanity and discretion of the unionists who desired the assistance of lawyers? I do not think unionists will thank the honorable member for Adelaide (Mr. Blundell) or the honorable member for Angas (Mr. Gabb), seeing that there is already ample protection in this matter afforded under the Act. If I were to consult a doctor, it would be for the reason that I considered that his advice would assist me towards the recovery of my health. A medical man would be able to help me, because of his expert knowledge. From a professional standpoint, it is absurd to suggest that I, or any other legal member of this Legislature, should be moved, in arguing upon this matter, in any personal sense. I emphasize that the sole reason why parties consult members of the legal profession is, in their own interests, to secure expert advice and assistance.

Mr. LAVELLE (Calare) [5.53].—If there were required additional reasons to convince me to support the proposed new clause, they have been furnished by those honorable members who have spoken in opposition to it. I refer particularly to the remarks of the honorable member for Batman (Mr. Brennan), and of the honorable member for Kooyong (Sir Robert Best). It must be within the knowledge of practically all honorable members that unionists generally desire the legal fraternity to be excluded from Arbitration proceedings. The honorable member for Kooyong (Sir Robert Best), with all his eloquence, failed to convince me that it was due to the consideration of any expert training or knowledge that unionists engaged lawyers to attend the Arbitration Court. In matters coming before that Court, the expert knowledge and training are exclusively the attributes of the particular parties thereto; the lawyers engaged generally know nothing whatever of the matters under consideration.

Sir ROBERT BEST.—Then why do the parties consult lawyers?

Mr. LAVELLE.—As legal quibbles and legal interpretations are raised, the unionist is compelled to have his lawyer in Court to argue the legal side of any question. The industrialists do not want to have the legal so much as the practical side of their cases presented; they want to put before the Court the prevailing conditions of employment, and the amendment of those conditions for which they are asking. The Minister said that the employment of lawyers expedited the hearing of cases, but my experience is that lawyers have brought dilatoriness to a fine art. We hear of the workers going slow, but the delays in the Arbitration Court due to the lawyers were a revelation to me.

Mr. JACKSON.—Would the honorable member put a layman in place of the Judge of that Court?

Mr. LAVELLE.—I think that that would be an excellent thing to do. To determine working conditions, you require, not a Judge, but a practical man. I fail to see why either Judges or lawyers should be employed in the industrial Court. Arbitration does not appeal to unionists, and a large number of them have no faith in it, because of the delays which occur before cases can get to the Court, the delays that arise after they get there, due to the appearance of lawyers, and the fact that the greater part of their funds go in paying lawyers' fees. The amendment should appeal to all who desire the success of arbitration and object to direct action. If you want direct action, the way to bring it about is to reject the amendment.

Mr. MARKS (Wentworth) [5.58].—As a lawyer, I have for years suffered under the appellation of member of the "Devil's Brigade," but recently a new appellation was fastened on me, when in a communication received the other day I was told that the letters "M.H.R.," in the opinion of the writer, stand, not for Member of the House of Representatives, but for "Money Hunting Robber." At first I was disposed to support the amendment, because I know that a tremendous amount of money is spent on legal argument; but

I am of opinion that, inasmuch as the Act provides that, where both sides agree, legal assistance may be employed, a prohibition should not be placed on the employment of lawyers under those circumstances. I hope that in the round-table conferences under the Industrial Peace Act, the parties will thresh matters out among themselves, but lawyers may well be permitted to appear in the Arbitration Court if both parties to a dispute wish to employ them.

Mr. FENTON (Maribyrnong) [6.1].—When speaking on the Industrial Peace Bill, the honorable member for Wentworth (Mr. Marks) was in favour of keeping away from the Court. He said, "Let matters be settled in some quite private place, not in a Court." Therefore, I expected him to be a whole-souled supporter of the amendment, because its aim is to do away with the employment of lawyers, and to take from this tribunal the air of a Court. I should like to have everything done by laymen, though I do not know that that will be possible until all Acts of Parliament are drafted in language which the ordinary layman can understand. The honorable member for Calare (Mr. Lavelle) has shown that, although the Act says that lawyers are not to be employed unless there be an agreement between the parties for their employment, a legal gentleman almost invariably sits behind the representative of the employer, framing arguments and questions for him, and that, therefore, the lawyer is not really excluded. I believe that the unionists of Australia would like to exclude lawyers from the Arbitration Court altogether. At the present time, a very intricate case is being heard before Mr. Justice Higgins, which raises the question of hours of labour; but on the employees' side the assistant secretary to the Trades Hall Council is appearing, not for one union only, but practically for all the unions. At a conference of the Australian Labour party held in 1915, the late Laurie Cohen said that—

> Parliament should make the laws so definite that there would not be room for the High Court to step in and upset legislation, which should be so set out in words that people could understand it.

The honorable member for Illawarra (Mr. Hector Lamond), who was a member of the conference, said on that occasion—

> There had been placed on the shoulders of the workers heavy burdens of taxation in order to ascertain what the law of the land really was.
>
> Mr. FISHER.—The engine-drivers, for instance.
>
> Mr. LAMOND.—Yes, and it had cost the Australian Workers Union tens of thousands of pounds in recent years to ascertain what the legal position of organizations really was.

That is the penalty that the working people of Australia have had to pay, because the framers of the Constitution were not wise enough to frame it as it should have been framed, because the High Court has not interpreted it in a broad-minded fashion, as Mr. Justice Marshall interpreted the Constitution of the United States of America, and because a host of lawyers has been engaged by the employers, and consequently the employees have had to follow suit. Could we but exclude the legal gentlemen from the Courts, we would save the workers many thousands of pounds. I support the common-sense proposal now before us, and I hope that members generally will, by voting for it, take the common-sense course of "biffing" out the legal fraternity.

Question put. The Committee divided.

Ayes	13
Noes	32
Majority	19

AYES.

Blundell, R. P.	McGrath, D. C.
Cunningham, L. L.	Moloney, Parker
Fowler, J. M.	Ryan, T. J.
Gabb, J. M.	West, J. E.
Lavelle, T. J.	*Tellers:*
Makin, N. J. O.	Charlton, M.
Maloney, Dr.	Fenton, J. E.

NOES.

Bamford, F. W.	Lister, J. H.
Bayley, J. G.	Livingston, J.
Bell, G. J.	Mackay, G. H.
Best, Sir Robert	Marks, W. M.
Brennan, F.	Marr, C. W. C.
Bruce, S. M.	Maxwell, G. A.
Cameron, D. C.	Poynton, A.
Cook, Sir Joseph	Prowse, J. H.
Fleming, W. M.	Rodgers, A. S.
Foster, Richard	Ryrie, Sir Granville
Francis, F. H.	Smith, Laird
Gibson, W. G.	Wienholt, A.
Greene, W. M.	Wise, G. H.
Gregory, H.	
Groom, L. E.	*Tellers:*
Hughes, W. M.	Burchell, R. J.
Jackson, D. S.	Story, W. H.

PAIRS.

Anstey, F.	Watt, W. A.
Watkins, D.	Atkinson, L.
Blakeley, A.	Bowden, E. K.
Page, James	Chapman, Austin
Mahony, W. G.	Corser, E. B. C.
Catts, J. H.	Hay, A.
Riley, E.	Lamond, Hector
McDonald, C.	Jowett, E.
Nicholls, S. R.	Cook, Robert
Mathews, J.	Page, Dr. Earle
Mahon, H.	Hill, W. C.

Question so resolved in the negative.

Proposed new clause negatived.

Mr. BLUNDELL (Adelaide) [6.10].—I move—

That the following new clause be added:—

"16. Every employer shall—

(*a*) make and keep a true record in such form and giving such particulars as may be prescribed of the names, work, time worked, and wages of the persons employed, and the age of every such person under twenty-one years of age;

(*b*) produce such record for inspection whenever demanded by an authorized person pursuant to section 41 of the principal Act;

(*c*) affix and keep affixed in legible characters in some conspicuous place so as to be easily read by his employees a notice containing a copy of the industrial award."

The Minister has amended section 41 of the principal Act to provide that the person authorized by the Registrar shall have the right to inspect documents and so forth. The proposed new clause will make it necessary for employers to keep records of the names of their employees, the time worked, and the wages received by them. Most of them do so at the present time, but, in some of the States, instances have occurred where employers have been found to keep no records, and not to ask their employees to sign for their wages. If an inspector were sent to the factory of such an employer to inspect documents, he would be unable to find any receipts for wages paid. In many of these cases, there is very grave suspicion in the minds of union secretaries that the men are not receiving the full wages to which they are entitled. This amendment is designed to carry out what the Minister has already agreed shall be done. No one would be allowed to inspect the books or the documents of an employer under the proposed new clause except an authorized person approved by the Registrar. It would not be possible for a union secretary to go into an office whenever he pleased and to inspect the wages books. If there is reason, however, to suspect that men are not receiving the wages provided for by an award, the prescribed authority will have power to inspect the documents. Paragraph *c* of my proposed new clause requires that every employer shall post in a conspicuous position in his factory or works a copy of the award relating to his industry. This is a very necessary requirement, particularly in the case of industries where changes are frequently made in the *personnel* of the employees. A man entering such an establishment in search of employment might not know exactly what part of an award relating to the industry applied to him, and what wages he ought to receive. If we require that copies of an award shall be placed in a conspicuous position in the factory or workshop, there will be no trouble in that regard. A similar provision appears in all State legislation, and I hope that the Committee will agree to the amendment.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [6.16].—I hope that the honorable member for Adelaide (Mr. Blundell) will not press his amendment, since it proposes to insert in the Conciliation and Arbitration Act regulative machinery such as is usually associated with factory legislation. The amendment is scarcely relevant to the original Act. The Commonwealth function under the Constitution in this regard is to provide for conciliation and arbitration for the prevention or settlement of industrial disputes, whereas the honorable member seeks to devise machinery for regulating the way in which individual employers shall carry on their business.

Mr. McGRATH.—Under the State Wages Board system employers are required to post in a conspicuous position copies of Wages Board determinations relating to their industries.

Mr. GROOM.—That bears out the point I have just been making that this amendment is rather in the nature of factory or Wages Board legislation, and that we do not possess the same power that the State Legislatures have to regulate industry.

Mr. BLUNDELL.—Does not the Minister think that an employer should be required to post in his factory a copy of the award relating to his industry?

Mr. GROOM.—I am not quite sure as to the feasibility of this proposal. Some of our awards are exceedingly lengthy documents.

Mr. BLUNDELL.—But the substance of an award could be posted up.

Mr. GROOM.—I hope the honorable member will not press his amendment. I promise him that I will look into the matter and see to what extent it would be possible to provide for what the honorable member seeks to accomplish in that part of his amendment. The other part is more in the nature of the provisions of a Factories Act. I will look into the matter of the regulative machinery, and if I find that what the honorable member suggests can be done, I will endeavour to have the Bill amended.

Mr. WEST (East Sydney) [6.19].—Under the New South Wales law every employer is required to post in a conspicuous place in his factory a copy of the award relating to his industry. Employers are also called upon to keep a time book showing the number of hours worked by their employees and the wages received by them, and the employees are required to sign that book. Surely there can be no objection to a similar requirement in respect of the Commonwealth Arbitration Act. It is necessary to see to the interests of the honest employer, who desires to obey an award, as well as keep control over the dishonest employer who seeks to evade it; and to this end copies of awards should be conspicuously displayed. We have not yet reached the "pitch" when it is necessary to have a witness to the signature of a workman in payment of wages; but, in New South Wales, in the building trade, printed forms are provided, showing the number of hours worked each day and the amount due. When a case goes to Court, these signed forms have to be produced; and some employers have been known to get men to sign for greater amounts than were paid to them. In two such cases employers have been fined and one of the workmen concerned said he did not know what the award rate was. The Minister and the Court ought to be anxious to accept the proposed new clauses with a view to preventing such offences in the future, and protecting the honest employer.

Mr. GROOM.—I have promised the honorable member for Adelaide (Mr. Blundell) that I shall have the matter looked into, and see what can be done.

Proposed new clause negatived.

Sitting suspended from 6.26 to 8 p.m.

Mr. CHARLTON (Hunter) [8.0].—I move—

That the following new clause be added:—

"18. Clause 48 of the principal Act is amended by inserting after the word 'order' the words 'and the term "party" includes secretary or any officer of an organization.'"

Section 48 provides that the Court may, on the application of any party to an award, make an order in the nature of a mandamus, or, an injunction, to compel compliance with the award, or to restrain its breach. Industrial organizations complain that they have no power to deal with the breach or evasion of an award, and they desire the section amended so that the secretary, or other authorized person, may be able to take action on behalf of the organization. Breaches of awards take place, and there is no one to draw attention to them. If the amendment be agreed to, the secretary, or some other officer appointed for the purpose, will be able to take action on every breach of an award.

Mr. GROOM.—The organization, as a party to an award, can make application.

Mr. CHARLTON.—Does that apply to the secretary, or any other officer?

Mr. GROOM.—An officer must prove that he made application on behalf of the organization.

Mr. CHARLTON.—He would require to be instructed by the organization. Apparently, greater power is desired, for one secretary writes to me that the amendment is very necessary for the protection of the workers, and will be a great help to the unions. I am at a disadvantage in not knowing the actual difficulties which the organizations have experienced in the past in connexion with breaches of awards. I am informed that the amendment would be a benefit to the unions, and the workers generally, because it would facilitate the laying of information against defaulting employers. I do not think the amendment would cause any danger, because the secretary or officer could not take action on his own volition; he would have to apply to the Court, and the Judge would decide whether proceedings should be taken against the party complained of.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [8.5].—I think the amendment would cover more than the honorable member for Hunter (Mr. Charlton) has indicated. Under section 48, an organization, as a party to an award, is entitled to apply to the Court for an order to compel compliance with the award. Of course, the organization must apply through some officer, and the applicant would explain to the Court his authority for applying on behalf of the organization. What the amendment means is that the secretary, or some other officer, should have power to apply to the Court of his own volition, and apart from the organization. In other words, the officer is to be allowed to police an award, and every time he thinks something is wrong he may make application to the Court.

Mr. MAXWELL.—If he only desires to do that at the instance of his organization, he has the power now.

Mr. GROOM.—Yes. The substance of what the honorable member for Hunter is seeking is already contained in the Act. We cannot give isolated individuals in a union power to make application apart from the organization itself.

Mr. WEST.—A secretary, or officer, is a servant of the organization.

Mr. GROOM.—Yes, and the servant should only act at the instance of his organization. The amendment proposes that he may be independent of his organization. I urge the honorable member for Hunter not to press the amendment.

Proposed new clause negatived.

Mr. BAMFORD (Herbert) [8.8].—On the second reading, I called attention to the advisability of allowing the persons who were most seriously affected by the strike an opportunity to express their views before the strike was entered upon. During an industrial trouble, contributions are sent for the benefit of the strikers from industrial organizations all over the Commonwealth; and the men get their food, housing, clothing, tobacco, and even some luxuries, much as usual; but the women and children are deprived of many of the comforts to which they are entitled, and suffer a great deal. I desire that the voice of the women may be heard before a strike is declared, and I propose the repeal of section 21, with a view to inserting another provision in lieu thereof. Section 21 provides—

> A certificate by the Registrar that a specified industrial dispute exists, or is threatened, or impending, or probable, as an industrial dispute extending beyond the limits of any one State, shall be *primâ facie* evidence that the fact is as stated.

Thus before a dispute can come under the cognisance of the Arbitration Court, it must extend beyond the boundaries of any one State. I move—

> That the following new clause be added:—
>
> Section 21 of the principal Act is repealed, and the following is inserted in lieu thereof:—
>
> "21. (1) In any case where an industrial dispute exists because of which a strike is suggested, contemplated, or threatened, it shall be competent for the President of the Arbitration Court to order that a secret ballot be taken at or in which every member of the organization affected shall be entitled to record a vote for or against a strike.
>
> (2) Whenever any such ballot is ordered, Federal or State officers of the respective Electoral Departments shall conduct and supervise the taking of the ballot.
>
> (3) Further it is hereby provided that the wife of any member of the organization directly affected as aforesaid shall be entitled to record a vote.
>
> (4) The wife of each and every member of the organization affected shall upon application, at any time within twenty-four hours before the taking of the ballot, have issued to her an electoral right qualifying her to record a vote at such ballot."

The new clause involves a new principle, but this is something which we should have done years ago. We should have given those most deeply concerned some voice in these matters. Many of us have noted that recently the women of Broken Hill themselves took action in connexion with a strike. It resulted in nothing, but the very fact that they took action on their own account shows how deeply they were interested, and how very seriously they were affected by what has been going on at Broken Hill during the past fifteen or sixteen months. Whilst they have been suffering very much, we have seen from correspondence in the press that the men at Broken Hill have been well fed and clothed, and, apparently, well housed. They seem to have been doing very well, whilst the women have been suffering very much. I believe that honorable members opposite will be ready to support my proposal, because I am certain that they are as much opposed to strikes as are any other persons in the community. They realize that

what I have said as to the interest of the women and children in these matters is absolutely true. Any honorable member representing a district in which strikes are prevalent knows perfectly well that those who suffer from them are the women and children rather than the men. Children look to their mothers rather than to their fathers during industrial disturbances to relieve them of the evil consequences of a strike. I expect from honorable members opposite a great deal of sympathy and support for my proposal. I hope that it will receive the approbation of honorable members generally and of the Minister in charge of the Bill. I am perfectly certain that the members of the gentler sex, and especially those likely to be affected by strikes, will be in hearty sympathy with this proposal, and the man who votes against it will have rather a rough time when he goes home and tells his wife what he has done.

Mr. CHARLTON (Hunter) [8.20].—All that the Minister in charge of this Bill (Mr. Groom) need do is to accept the proposed new clause if he desires that arbitration should be a thing of the past. However much we may deplore strikes it has never been held by the members of this or any other legislative chamber that I know of that it is possible to pass legislation which will prevent strikes or lockouts. We have lockouts as well as strikes, but it is very strange that the honorable member in submitting his new clause dealt only with trade unionists and strikes, and said nothing of employers who can lock men out at their own sweet will. Employers by locking out men may subject them and those dependent upon them to penalties and suffering, but the honorable member for Herbert (Mr. Bamford) will ask no questions in such cases.

Mr. BAMFORD.—When has there been a lockout?

Mr. CHARLTON.—There have been many, but the honorable member does not propose to deal with lockouts. We all deplore both strikes and lockouts, and wish that they could be put an end to; but whilst we endeavour to pass legislation to avoid their consequences, we realize that it is absolutely impossible to prevent them altogether. They will occur, in spite of all that we can do. We can only strive to lessen their number.

The proposed new clause would take out of the hands of trade unionists the management of their own affairs.

Mr. BAMFORD.—Not at all.

Mr. CHARLTON.—It would. Once we say that in connexion with any industrial trouble a Judge of the Arbitration Court may appoint certain persons to take a ballot——

Mr. BAMFORD.—A secret ballot.

Mr. CHARLTON.—Once we provide that he may appoint certain Federal or State officials to take a ballot in connexion with any industrial disturbance, we shall be removing the administration of trade union organizations from the hands of their members. There is no escape from that conclusion. The amendment does not require much argument to condemn it. We have only to consider what its effect will be. The Conciliation and Arbitration Act provides that only organizations that are registered shall come under it, and I ask the honorable member for Herbert and the Minister in charge of the Bill to say how many organizations would remain registered under the Act if the new clause were agreed to. I venture to say that within a fortnight of the passing of such a provision every trade union in Australia would withdraw from the Arbitration Court. If it be the desire of the Government to kill the present Act and the Arbitration Court, they will effectively carry out that desire by accepting the amendment. Honorable members opposite may say that the onus of withdrawing from the Court would be thrown upon the trade union organizations, but I venture to say that no trade unionist would for a moment advise his organization to continue registration under the Conciliation and Arbitration Act if this clause were accepted. However much the honorable member for Herbert may detest strikes and may desire to do away with them, the clause he now proposes would, if accepted, bring about more strikes in this community than we have had for years past. Every trade union organization would be up in arms against it. They will not permit this Parliament to take from them the right to manage their own affairs. We have recognised trade unions and we made them legal some years ago.

Mr. BAMFORD.—Does the honorable member not think that the people most

deeply interested should have some say in the management of the affairs of an organization?

Mr. CHARLTON.—I say that the people most deeply interested are the people concerned.

Mr. RICHARD FOSTER.—Who are the people concerned?

Mr. CHARLTON.—The employees, the employers, and the general public.

Mr. RICHARD FOSTER.—Exactly.

Mr. CHARLTON.—Who are those chiefly concerned in connexion with an industrial organization? Are they not the members of the organization, and should they not have the right to manage their own affairs?

Mr. RICHARD FOSTER.—They are not the persons chiefly concerned.

Mr. CHARLTON.—Would the honorable member contend that similar legislation should apply in connexion with any big company composed of numerous shareholders? He has not advocated that, and would not advocate it. It is intended that this provision shall apply only to working people in this country——

Mr. RICHARD FOSTER.—The honorable member has not quoted a parallel case.

Mr. CHARLTON.—It would be impossible to quote what the honorable member would regard as a parallel case, because he thinks this legislation should apply to one side only. However much the women may be interested in these matters, and I admit that they are interested, because I have gone through strikes as other honorable members have done, and I know the extent to which women are interested, I venture to say that the womenfolk of the workers of this country would not thank the honorable member for Herbert for proposing this new clause, or this House for accepting it. The womenfolk of the workers of this country are amongst the best fighters we have in connexion with industrial troubles.

Mr. RICHARD FOSTER.—They are the biggest sufferers.

Mr. CHARLTON.—They suffer in silence, because they know that their bread-winners are doing the best they can to better their position, and in so doing to better the position of their wives and children. Are we to be told at this time and in this enlightened age that it is necessary to incorporate a provision of this kind in the Conciliation and Arbitration Act? There is not one honorable member on the other side who can justify the acceptance of the amendment. The Conciliation and Arbitration Act has been in existence for years, and we only recently passed a Bill through this House to deal with industrial differences, which is now under consideration in another place, but we made no provision for this sort of thing in that measure at all. I do not know what the Minister proposes to do, but I wish to know whether he intends to accept the amendment or not. If he does accept it he can say good-bye to arbitration. If he desires to effectively kill the present Act, the way to do that is to accept the amendment.

Mr. RICHARD FOSTER.—Would the honorable member allow a ballot of the members of an organization to be taken by an electoral officer?

Mr. CHARLTON.—I will never prevent a ballot being taken by their own officials. They can manage their own affairs.

Mr. RICHARD FOSTER.—Apparently they could not do so at Broken Hill.

Mr. CHARLTON.—It is suggested that these ballots are not taken fairly, and I want to say that so far as I know, they are always conducted fairly and above-board. In my own district, it is safe to say that we have one of the most militant unions in Australia. We have 8,000 members, and whenever a ballot is taken it is taken at the pit's mouth. When the men come up from their work each is given a ballot-paper. There are scrutineers to see that no man gets more than one ballot-paper, and that only members of the organization are given papers. In that way the decision of the men is recorded on the matter referred to them. I ask whether anything could be fairer? We do not want any one to interfere with the management of our affairs.

Mr. BAMFORD.—But the people concerned.

Mr. CHARLTON.—One would think, to listen to the arguments and interjections of honorable members, that the whole thought of trade unionists is to create trouble and have strikes, whereas no one detests a strike more than do the members of trade union organizations and their officials.

Mr. RICHARD FOSTER.—Some of them.

Mr. CHARLTON.—Very often people are led to form a false impression by what appears in the press. They do not

thoroughly understand what the men are endeavouring to do. Statements are made with a view to bettering the condition of men, and at once people jump to the conclusion that those who make such statements are endeavouring to create trouble, and wish to stop a particular industry. That, however, is the thing farthest from their minds. They never think of it. What does a strike mean to them? It means nothing but trouble for them. It means the most anxious time which men leading the trade union movement can have. I have had to go through it myself, and I know that the officials of trade unions detest strikes, but they have to protect the interests of the members of their organizations.

The rules of these organizations can be seen; they are registered in the different States, and are recognised under the Commonwealth Conciliation and Arbitration Act. Now, the honorable member for Herbert comes along with a proposal to take away from the members of trade union organizations their rights in regard to certain matters because, forsooth, some members of the Committee do not approve of what they occasionally find it necessary to do. Whilst they are prepared to deal with employees in this way, they have not one word to say about treating employers in the same way. The employers may declare a lockout because of the changed conditions due to an award, but honorable members opposite have not a word to say about them. The working men are to be tied up, and I repeat that honorable members opposite can accept this proposal if they so desire, but if they do accept it there will be an end to arbitration.

Mr. Gregory.—Can the honorable member not see that if effect is given to the proposed new clause it will legalize an otherwise illegal act.

Mr. CHARLTON.—I do not know what is intended, but I do know what will be the effect of passing such a provision. We have been doing certain things in connexion with arbitration in this Chamber recently, and I confess I do not know what is behind what is being done. I did not think that there was anything behind it until I received a copy of this proposed new clause. If the Minister in charge of the Bill intends to accept the amendment I will know that it is his intention to kill the Arbitration Act. Without consulting the industrial unions, I am confident that they will not accept this proposal, and I ask the Minister whether he intends to accept it or not.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [8.26].—I am not in a position to accept the amendment. The honorable member who has moved it has said that strikes ought not to be lightly entered into, and I think that people, generally, will agree with him. He put that view forward and asked the Committee to consider it. He believes that if the women who are so seriously affected by strikes were asked to record a vote for or against a strike it would be found, in many instances, that those who suffer most from strikes would be against them. I am more concerned, however, with the effect of the amendment upon the original Act, and on that account I cannot see my way to accept it. The intention of the Conciliation and Arbitration Act is to make lockouts and strikes illegal. There is a difficulty in enforcing that intention, but it is the spirit of the Act that there should be no strikes or lockouts, because there is machinery provided by the Act itself whereby the persons affected can secure a peaceful adjustment of their differences and redress of their grievances. The idea of the Act is to do away with the barbarous method of the strike and introduce the reign of law and order into the conduct of economic affairs.

Mr. Gregory.—It has been an awful failure.

Mr. GROOM.—Not altogether; and I am rather inclined to take the view that when the history of industrial legislation in Australia is impartially written, it will show that our efforts have contributed helpful experiments in connexion with industrial disputes. I do not say for a moment that it has been the means of solving all our difficulties, but we have been groping after that which is right without precedent to guide us. Mistakes have been made in the past, and we are now endeavouring to correct some of them, both in this Bill and in a measure which is now before the other Chamber. It is our desire to seek some means by which we can substitute law and order and peaceful conditions for strikes and lockouts. I am quite sure that the Deputy Leader of the Opposition (Mr. Charlton) will accept my assurance that the honorable member for Herbert (Mr. Bamford) had no intention of breaking

up our industrial legislation when he moved his amendment. In the first place the difficulty is that strikes are illegal, and this amendment purports to give the President of the Arbitration Court, in the event of a strike, the power to order that a ballot shall be taken. Instead of ordering a ballot, he should order penalties on those responsible for encouraging a strike. The mover of the amendment has not followed it up sufficiently by showing what would be the result if those balloting were in favour of a strike.

Mr. BAMFORD.—There would not be a strike.

Mr. GROOM.—But supposing there were, the Court would be sanctioning something which the Court declares illegal. The wording of the amendment is against the general tenor of the law, and for that reason I cannot see my way to accept it. The honorable member who moved the amendment must admit that it is contrary to the spirit of the Bill.

Mr. **GREGORY** (Dampier) [8.34].—We have to thank the honorable member for Herbert (Mr. Bamford) for the amendment he has submitted, if only for the reason that the Committee has received a clear indication of what the value of such an amendment would be if it were embodied in the Bill. The Act is clear and definite that strikes are absolutely illegal, and if such is the case, how can power be given to the President of the Arbitration Court to conduct a ballot in connexion with an impending strike?

Mr. MAXWELL.—It would not be recognised.

Mr. GREGORY.—Of course it would not. The amendment has given the Deputy Leader of the Opposition (Mr. Charlton) an opportunity of making it clear to honorable members—and I hope to the public outside—how the workmen's wives feel in regard to strikes, and I do not remember the honorable member ever submitting a case more strongly than he has done on this occasion. It has been a revelation, and I believe he has clearly expressed the opinion of most of the wives of the men who strike. The Deputy Leader of the Opposition says he speaks from experience, and if, as he suggests, the carrying of the amendment would mean the destruction of the Bill, I would be inclined to support it.

Mr. PARKER MOLONEY.—And you would get something worse.

Mr. GREGORY.—I know it is not possible to prevent strikes by law.

Mr. PARKER MOLONEY.—Is the honorable member in favour of reverting to the old methods?

Mr. GREGORY.—I would like to see the Canadian system adopted whereby if the men cannot get the award they desire, they can go on strike. What is the use of legislation when our experience shows that we will have strikes whatever we do? Why not admit that strikes cannot be prevented, and legislate for them? Is it right to shackle one section and allow the other to do just as it likes?

Mr. MAKIN.—How would the honorable member apply the amendment in the case of a lockout?

Mr. GREGORY.—I read a little while ago, in connexion with a strike, that the wives of the workmen decided to cease work, and left the strikers to look after the kitchen and the kiddies while they had a good time. We need only refer to *Knibbs* to see that during the year before last £2,800,000 was lost by strikers in wages, and if that amount were capitalized it would represent a loss of something like £10,000,000 to the people of Australia. Legislation of this character should not be compulsory, but should be on the Canadian system, and when a decision is arrived at which is unsatisfactory to the workmen and they desire to go out on strike, a strike ballot should be conducted, not by the officials representing the men, but by outside officers. It is generally admitted that it is the young men who have very few responsibilities who are eager for a fight.

Mr. MAKIN.—They are usually the ones who stay in, and it is the married men who stand by their principles who come out. I have been in a workshop, and know it.

Mr. GREGORY.—The honorable member was, perhaps, one of those who would not strike; but this is the first time I have ever heard such a statement.

Mr. MAKIN.—The honorable member has never been as closely associated with working men as I have.

Mr. GREGORY.—If we could make this measure unworkable and could compel the Government to bring in another Bill, without the compulsory clauses, embodying something in the

nature of the Canadian system, with a proviso in regard to strike ballots, I believe labour organizations would support it. The leaders of industrial organizations are not as a rule responsible for trouble, as it is generally the hot-headed members of industrial unions who are to blame. If we adopted the Canadian system, I believe our industrial laws would be more effective, and there would be a better prospect of awards being observed than under present circumstances. As the proposed amendment is contrary to the spirit of the Bill I cannot support it.

Mr. TUDOR (Yarra) [8.40].—It was not my intention to speak to the amendment, as the principle involved has already been ably dealt with by the Deputy Leader of the Opposition (Mr. Charlton). As a trade unionist of many years, not only in Australia, but in other countries where ballots are taken, I am able to say that on the question of striking the women always support their husbands. On a recent occasion, at Broken Hill, in connexion with the present strike, the election of officers turned on the question of whether there should be a ballot in connexion with the strike, and although the officers opposed it, they were returned by large majorities. In the felt-hat making industry, in which I was employed in Great Britain, there are as many female as male workers, and in connexion with one industrial disturbance in particular that occurred in that industry while I was working there, the women were as keen on striking as were the men. Any one who has a knowledge of the conditions obtaining in the north of England twenty or thirty years ago knows that married as well as single women work because they do not receive sufficient from other sources. On the occasion to which I have referred the women held a meeting the night before the men and decided that as they had been locked out they would go without strike pay for the first month, and the men carried a similar resolution the next night.

Mr. Bamford.—If such is the case, why oppose the amendment?

Mr. TUDOR.—I am surprised that the honorable member for Herbert, who, I believe, is an old trade unionist, should submit such an amendment. I know of an instance in the metropolitan area of Melbourne, where women workers were dissatisfied because a non-unionist had been brought into a factory, and they said that unless that non-unionist was dismissed they would walk out; and they did walk out, and they waited until they were sent for. This clearly shows that the women are as good unionists as the men, and if they are asked to vote they will always be in favour of fighting for better conditions. It must be remembered that there are lockouts as well as strikes, and the "bosses" will always take care to keep on inflicting pinpricks until the men or women are compelled to cease work. It is not only a question of making a demand on the employers for improved conditions, because employers can find thousands of ways of aggravating men in spite of the law.

Mr. Richard Foster.—Last week simple boys closed a coal mine.

Mr. Makin.—They were not very simple, then.

Mr. Richard Foster.—The country is simple to allow it. It is the simple boys who run the show to-day.

Mr. TUDOR.—To the best of my knowledge, the honorable member for Wakefield (Mr. Richard Foster) has had no experience of industrial matters, from the stand-point of a trade unionist. The Treasurer (Sir Joseph Cook) would not tell the same tale as has the honorable members for Dampier and Wakefield. However, since the Minister says the Government has no intention of accepting the amendment, it may be regarded as foredoomed.

Mr. FENTON (Maribyrnong) [8.46].—I am rather surprised at honorable members opposite croaking about the way in which Australia has been ridden with strikes. The Treasurer (Sir Joseph Cook) administered a rebuke only a few days ago to those who prate about the bad conditions existing here. He remarked that, having returned home from his travels, he had been impressed with the fact that Australia is one of the best countries in which to invest money to-day. The printers in this State recently had a dispute, and the employees were out for three months. Then a conference was called, over which the Premier of Victoria (Mr. Lawson) presided. Among those who had been on strike were numbers of women and girls. As an outcome of the round-table conference, the men in the trade agreed to accept the conditions

laid down, but those who stuck out for still better conditions and were prepared to continue to fight for them, and to remain out of work until they were conceded, were the women.

Mr. Richard Foster.—Young women, or girls; not wives and mothers with responsibilities.

Mr. FENTON.—It is the women who put up the stoutest fight. When there was a strike of miners in New South Wales some time ago, the keenest were the coal-miners' wives. They told their men that if they went back they would not own them as their husbands; and they were so incensed against the "blacklegs" that numbers of women actually pelted them with lumps of coal. When it comes to striking, and sticking out, the women will beat the men every time.

Mr. BAMFORD (Herbert) [8.49].—Judging from the attitude of the honorable member for Hunter (Mr. Charlton), one can only come to the conclusion that he is afraid to give the women a vote for fear that their influence at the ballot would be recorded against strikes. The honorable member for Maribyrnong (Mr. Fenton) has just advanced the strongest possible arguments that no one in an industrial community is prepared to fight harder and longer under strike conditions than the women folk. It is fortunate for the women of the Commonwealth that the honorable member for Hunter was not a member of this Parliament when the Franchise Act was passed. If one may take a line from his attitude to-day, it would not be unfair to suggest that he would not have voted to give the women the franchise.

Sir Joseph Cook.—They are not Democrats on that side.

Mr. BAMFORD.—Of course not; the Democrats are all congregated behind the Government, and I hope they will presently indorse that statement by their attitude in division. Surely the women whom we gave the right to assist in the selection of members to this Parliament should be entitled to vote in a matter of industrial trouble, which is far more important and more closely concerned with their lives than a Federal election. I have not the statistics at my hand, but could furnish figures to prove that since the Arbitration Act came into force there have been more strikes in Australia than during any previous period of equal length. The Act has been practically a dead letter. What good has it accomplished? Yet, when I endeavour to introduce a proposal to make the Act, in some respects, at any rate, serviceable, the Minister (Mr. Groom), who is so optimistic about the Bill, indicates that he cannot accept it. He ought to know how matters are run in trade union circles nowadays. When there is trouble brewing in the part of Australia from which I come, a meeting is called. The secretary and the organizers are on the platform, and a motion, which has been framed beforehand, is put to the meeting. The chairman says, "Now, you 'dinkum blokes,' get over to that side; and you 'bally scabs,' you get over to the other side." Of course, there are no "scabs"; the resolution is unanimously agreed to. When the honorable member for Maribyrnong refers to the eagerness of girls to stand out in a strike, he forgets that they have no responsibilities; they are not the mothers of families. I ask the honorable member for Hindmarsh how large is his family?

Mr. Makin.—I have a family.

Mr. BAMFORD.—As a sensible man, with comparatively light responsibilities, and a banking account, no doubt, to fall back upon, he prepares himself, in the event of trouble brewing in his union. But what about the position of men with large families; and what of their womenfolk? Why should honorable members object to State and Commonwealth electoral officers conducting a ballot? They are prepared to trust these officials to control an election for Parliament. And, why should they object to the President of the Arbitration Court being given the power to say that there shall be a secret ballot? Possibly, the phraseology of my amendment is not all that could be wished, from an experienced legal point of view; but the principle is there, and I have no objection to it being differently clothed.

Sir Joseph Cook.—It is the principle of adult suffrage.

Mr. BAMFORD.—The plural vote; just as there is plural voting for the election of members of the Federal Legislature.

Mr. Brennan.—Then, the honorable member would be favorable to the children also being given a vote?

Mr. BAMFORD.—No, for the reason that the fathers dominate the children, who would be afraid to vote other than at their parents' behest. I cannot help but admire the optimism of the Minister; he expects great things of the Bill. I recall that the late Mr. Deakin delivered three magnificent speeches on the first Arbitration Bill. He spoke in the same optimistic tone; but is there industrial peace to-day? Has the Arbitration Act achieved what Mr. Deakin hoped and expected of it? Are we not now threatened by a strike of coalminers which is going to hold up every industry in the Commonwealth?

Mr. Charlton.—No.

Mr. BAMFORD.—Then, what is the purpose of the conference which has been called, and is to continue to sit further, with the avowed object of preventing such a strike? Strikes in the honorable member's electorate have not only held up the industries of the country in the past but have done serious damage in his own neighbourhood. The honorable member for Hunter should be prepared to welcome anything that would furnish opportunity for the people most closely concerned in a strike to have a full and complete say.

Mr. MAKIN (Hindmarsh) [8.57].—This proposition has been responsible for considerable amusement, but I fail to perceive the logic in it. It suggests that the honorable member for Herbert (Mr. Bamford) has been attending some alleged mothers' meetings, such as the Women's National League. If the honorable member understood the true feelings of our womenfolk——

Mr. Bamford.—There I bow to the honorable member's superior experience.

Mr. MAKIN.—I happen to have had responsibilities as a married man for some years, so that the honorable member's ridicule is unwarranted. When I have reached the advanced age of the honorable member I have no doubt that I shall have established myself equally as well as he has done in respect to his duties as a husband and a father. The motion may be laudable in its intention, but I suspect that its main objective is that it may gain for the honorable member for Herbert a little personal advantage. From a practical point of view, his proposal will not bear investigation. If it is sought to give our womenfolk the right to ballot in the direction of a strike, why should not women also have the right to be consulted in the matter of instituting lockouts?

Mr. Bamford.—I will amend it in that direction if you like. Will you support me if I do?

Mr. MAKIN.—I would not follow the honorable member blindly. He will have to prove the effectiveness of the proposal before I would support him. It is impossible to apply to lockouts the condition that he wishes to apply to strikes. I am prepared to give all citizens a full opportunity to voice their opinions upon matters of public policy. Some members, however, desire to intrude and interfere in the trade or industrial union spheres. No such anxiety is manifested by these same gentlemen on behalf of our womenfolk in controlling the employer by having a direct voice in his affairs. Where women are directly employed they certainly should participate in such a vote. I think I know the feeling of the womenfolk in this country in regard to these matters. Whenever the betterment of conditions in an industry is desired, they are prepared to stand by their menfolk, and if the latter find it necessary to take the extreme step of striking none are more loyal to them than their wives.

Mr. Richard Foster.—When they think that the cause is just!

Mr. MAKIN.—They always think that the cause is just when their husbands are driven to this extreme step because the difficult nature of conditions arising therefrom has demonstrated itself in their own homes. If wives are to vote in regard to striking, why should not the mothers and sisters who depend on the workers also vote? The futility of the amendment is apparent. The gross inconsistency of members who support the proposals now before the Committee, and at the same time would not give women the right to vote for candidates of the Legislative Council in South Australia, places their remarks at a discount.

Mr. Richard Foster.—Is there any analogy between the two things?

Mr. MAKIN.—Of course there is not, in the mind of the honorable member. We know that it would be impossible to apply the proposed conditions to lockouts, and why should we impose

on one side conditions that cannot be applied to the other. Honorable members opposite have repeatedly attributed the industrial unrest which prevails to the working men of the country; but what about the employers who evade their responsibilities, and have it in their power to displace men at their pleasure, and by subterfuge deprive them of their work without having to answer to any tribunal for their behaviour? Whenever men try to improve their conditions after failing to secure redress by constitutional means, members opposite place the whole responsibility for the unrest that occurs at the workers' door; but, generally, whenever the working class has had recourse to direct action, there has been justification for it. Men do not revolt from just conditions.

Mr. MAXWELL.—On many occasions the Leader of the Labour party (Mr. Tudor) has said in this Chamber that men frequently strike against the advice of the executives of their unions.

Mr. MCGRATH.—But he did not say that they were not suffering from grievances when they took that step.

Mr. MAKIN.—I am speaking in general terms, and what my Leader may have said does not prove that there was not justification for the action taken. Their leaders may have erred, and the men themselves may have taken a truer view of the question at issue. When the result of a secret ballot results in the declaration of a strike, there is ample justification for the action taken. I do not desire to see such action except when it is absolutely necessary, and every other medium for settlement has been exhausted. I have never preached the doctrine of irresponsibility and going to extremes. I have held that the course taken should be justifiable to the community at large as well as to the body of workers concerned. The honorable member for Dampier (Mr. Gregory) said to-night that it is those who have little or no interest in the place where they are employed who are most ready to take an independent stand, and are thus the cause of a great deal of industrial unrest, meaning that single men were largely instrumental in precipitating strikes.

Mr. GREGORY.—Generally, strikes are caused by the young hot heads of the unions.

Mr. MAKIN.—My experience is that many single men are more reluctant to take the extreme step than men with large families. I have seen that in workshops where I have been employed. Married men sometimes feel called upon, sooner than single men, to leave their employment to show their disgust and resentment at their conditions, and it is natural that they should, in view of the greater pressure on them in providing for the sustenance of their families. Certainly, on the average, strikes are precipitated as much by the action of married men as by that of single men. Whether there may be justification for it, extreme action should be left to the decision of those responsible. It is a pity that the Government did not take the opportunity to come to an understanding with the trade unions as to legislation which would overcome the present difficulty, and assist in removing those anomalies which are the cause of dissatisfaction, thus minimizing industrial unrest. Compared with other countries, Australia enjoys more peaceful industrial conditions than any other part of the world. Occasionally, however, through lack of constitutional means men have to show their disapproval of injustice to conditions that are imposed by the captains of industry.

Mr. RICHARD FOSTER (Wakefield) [9.14].—I know the honorable member for Hindmarsh (Mr. Makin) well enough to feel sure that he thoroughly believes what he has said, yet although he told us several times that it is not the young men in the unions who promote strikes, but rather those with big families, he would have to say it one thousand and one times before the statement would be accepted by the people of the country.

Mr. LAVELLE.—They know it to be true.

Mr. RICHARD FOSTER.—They know it is the young hot heads who are responsible for the unjustifiable strikes in this country. As I said here two or three weeks ago, only an infinitesimal proportion of the unionists of Broken Hill were, and are to-day, responsible for the worst and most unjustifiable strike that any country has ever known. It has been for the last twenty years the constant complaint of steady, responsible married men of Broken Hill that young irresponsibles cause all the trouble.

Mr. Makin.—Would not the Broken Hill mines have been working to-day if the mine-owners had been prepared to adopt the conditions laid down by the conference?

Mr. RICHARD FOSTER.—No; because the strike was due, in the first place, to a dispute between unionists, and not between the men and the mine-owners. The deplorable condition of Broken Hill to-day is a shocking example of the work of the young irresponsibles who caused the strike now going on.

Mr. Makin.—Has the honorable member been there lately?

Mr. RICHARD FOSTER.—I have not; but scores and scores of the best men that ever worked in Broken Hill have told me that as soon as a strike was declared they had either to leave there, or shut their mouths, and submit to any proposal that might be made until the strike was over. The mine owners of Broken Hill deplore the fact that these men do not come back. If action were taken to clear out of Broken Hill about fifty men, a working man's paradise would be established there. Unionists there have the best employers in the world.

Mr. Makin.—Does the honorable member say that the mine-owners have all the virtues so far as the present strike is concerned?

Mr. RICHARD FOSTER.—I do; and I am delighted to know that the statement is true. As to the workshops in which my honorable friend (Mr. Makin) says he has been employed, the experience of the last twenty years is that the industrial disturbances created in it have not infrequently been due to young irresponsibles. I am not including my honorable friend in that category. He is certainly youthful in appearance, but he is the father of a family, and an excellent fellow. My only complaint against him is that he is wrongly informed. I could traverse all the statements made by the Leader of the Opposition (Mr. Tudor), and several other members of his party, but I do not wish to detain the Committee.

The honorable member for Herbert (Mr. Bamford) has given utterance to-night to some splendid sentiments, the truth of which cannot be gainsaid, but in order to avoid any waste of time let me say that the words of wisdom that have fallen from his lips have come at the wrong moment, since the purport of the Minister's proposals, if I understand them rightly, is that strikes shall be declared illegal. In these circumstances, I ask you, Mr. Chairman, whether the debate is in order?

Mr. GABB (Angas) [9.20].—I oppose the amendment moved by the honorable member for Herbert (Mr. Bamford). I have not much fault to find with that part of it which provides that there shall be a secret ballot of the members of an organization involved in a dispute to determine whether or not a strike shall take place, because I, too, have had inside experience, and might bear out some of the statements which the honorable member has made. But I resent very strongly his proposal that the wives of the men should take part in the ballot. No doubt the honorable member thinks that if the women-folk had a right to vote, there would be no strike. In other words, he is casting a reflection on the wives of the unionists by suggesting that they would be such crawlers as to allow their husbands to put up with any industrial conditions rather than risk the privations that attend a strike. The unionist, after all, is but the son of his mother; he is of the stock from which he has sprung, and when it comes to making a sacrifice, or to standing up for a principle, no one is more ready to do so than a woman.

Mr. Bamford.—Then let the women have an opportunity of expressing their opinion.

Mr. GABB.—We are not opposing this amendment because of any fear of the result of such a ballot as is suggested. We oppose it because it is a reflection on the wives of unionists.

I have been wondering during this debate what has happened to cause the honorable member for Wakefield (Mr. Richard Foster) to present bouquets to the honorable member for Herbert. A few years ago one would not have dreamt of bouquets being handed to him by either the honorable member or the honorable member for Dampier (Mr. Gregory). I have read somewhere that Herod and Pilate became friends over the crucifixion of the Nazarene; and here we have a modern Herod and Pilate becoming friendly over the crucifixion of the principles and loyalty of the working women of this country. When the honorable member for Herbert was seeking to benefit, I will not say his industrial,

but his financial, position, he did not ask that a ballot of the wives of members should be taken in regard to the salary grab; he was quite satisfied to trust to the wisdom of members themselves, so far as that matter was concerned. If it is good enough for us to deal with our own business, it is good enough for the unionists outside to settle their own business without calling upon their wives to settle it for them.

Proposed new clause negatived.

Mr. GREGORY (Dampier) [9.25].—I move—

That the following new clause be added:—

"19. After section 58A of the principal Act the following section is inserted:—

'58B. The rules of an organization under this Act and the officials of such organization shall not, during the currency of an award in the industry concerned, prevent or impede any members of such organization from entering into written agreements in accordance with such award at any time prior to the commencement of service.'"

The amendment would prove useful in connexion with not only the pastoral industry, but sugar-cane cutting, since it would enable members of an organization to make their arrangements or to enter into contracts with employers some time before the actual date of starting work. The special reasons supplied to me for this proposal are as follow:—

1. The signing of an agreement is the only way of binding an employer on the one hand to keep a pen for the man engaged, and, on the other hand, of binding an employee to commence his work on or about a given date.

2. In order to organize the supply of shearing labour for pastoral requirements, definite engagements must be made in advance and prior to roll-call; until the shearers, shed-hands, and wool-pressers are engaged, it is impracticable to safely engage woolclasser, expert, overseer, and other men required.

3. If agreements are not signed before roll-call the experience in the past has been that at some sheds there is an over-supply, and in others an under-supply, of the labour necessary for the shearing, and that men make unnecessary trips to stations at a great distance without being sure of obtaining work when they get there.

That should be obvious to honorable members generally. If it were possible for members of organizations to enter into an arrangement some time before the date fixed for commencing operations, there would be less likelihood of men travelling long distances to reach a shearing shed, only to be disappointed on arriving at their destination. In these days of labour shortage particularly, this is a very important consideration. The Australian Workers Union until 1918 had no objection to shearers signing on in advance of shearing operations. The men were in the habit of sending in their names or of entering into arrangements either with the contractor or the pastoralist to shear his sheep; but since 1918 the union has objected. It has a rule that members may forward their deposits, but must not sign agreements before roll-call. Since 1918, however, the rule has been suspended during each shearing season. That is not a good thing for the industry. So long as men work in accordance with the award relating to the industry, I cannot understand why any objection should be made to these arrangements.

The present system is very unfair. Where the members of the organization have not made any contract prior to the date fixed for starting operations, the pastoralists and cane-growers are left absolutely in the hands of a few men. That, I am sure, is quite contrary to the wishes of the Australian Workers Union. That union has always been anxious that its members shall carry out their obligations under the award of the Court. That is all we are asking for—that the rules of the organization shall not enable it to prevent men engaging in this class of work on contracts made some time before they actually commence operations. I hope the Minister (Mr. Groom) will not object to the amendment, for he knows the difficulties of the industry, and how irresponsible men are at times able to cause a great deal of trouble, especially in the back country, by flouting an award. I am sure there is no desire to support men who do that kind of thing; and, under the circumstances, my proposal is to enable the shearer and the cane-cutter to be quite sure of employment, and employers to make arrangements for the entire season. In Western Australia, under the conditions I am advocating, continuous work is provided from about March to the end of November. I can assure the Minister and honorable members that those interested in this amendment have the highest authority for saying that it is quite constitutional.

Mr. CHARLTON (Hunter) [9.33].—I regard this amendment as quite unnecessary, and I hope it will not be accepted by the Committee. The amendment asks that during the currency of an award nothing shall be done to prevent members of an organization from entering into written agreements, in accordance with the award, at any time prior to the commencement of service. I cannot understand why, if an award has been obtained by an association, there should be any necessity for members of that association to enter into private agreements. This agreement, it seems to me, is "loaded."

Mr. RICHARD FOSTER.—I can assure the honorable member that it is not.

Mr. CHARLTON.—I think from what we have heard that it is "loaded," and I shall be very careful regarding it. The honorable member for Dampier (Mr. Gregory) alluded to the Australian Workers Union.

Mr. GREGORY.—I desired to put both sides of the question.

Mr. CHARLTON.—Quite so; but let me say at once that I do not think there is any union that has the same numerical strength as the Australian Workers Union, and, further, that since the Arbitration Act came into force, no union has, so far as I know, observed awards more closely, as proved by the fact that there has been no upheaval in the pastoral industry. The honorable member for Herbert (Mr. Bamford) says that nothing has been gained by arbitration, but I submit that no one can tell what has been gained in consequence of the operation of the Act. The Australian Workers Union has loyally abided by the awards of the Court, and, after all, they represent one of the staple industries of the Commonwealth on which we depend.

Mr. GREGORY.—The men themselves have not always done so.

Mr. CHARLTON.—In spite of the record of the Australian Workers Union, the honorable member says that the men of the organizations have not always abided loyally by the awards. I take it that the honorable member is alluding to the present position.

Mr. RICHARD FOSTER.—He is not.

Mr. CHARLTON.—I am putting my view of the remarks of the honorable member. There is an award at present current, but in Queensland a State award gave better conditions than those provided by the Commonwealth award. This led to a conference between the representatives of the pastoralists and the Australian Workers Union, and, at that conference, I should say three-fourths of the pastoralists agreed to observe the better terms of the State award. There were, however, some pastoralists who declined to enter into that arrangement; and, I take it, because of their declining we are asked to accept this amendment. The cost of living has gone up considerably during the last few years, while the price of wool has practically doubled, and there ought to be no objection to the employees getting a better price for shearing. Surely it is not claimed that the shearers in Australia generally shall work for less than has been awarded by the Queensland Judge? The question was thoroughly threshed out at the conference to which I have referred, but whether the settlement arrived at did or did not represent a compromise, I cannot say. Now, however, because a few pastoralists, probably the most wealthy of those engaged in the industry, have decided they will not abide by the Queensland terms, this amendment is proposed. As I have said, there is at the present time a Commonwealth award which covers the Australian Workers Union, and if this amendment is accepted the small section of pastoralists who decline to pay the terms arranged at the conference will be able to enter into private agreements, on the basis of an award that gives something less to shearers than they are entitled to. To pass such legislation is to "look for trouble"; if we insert a provision for the purpose of assisting certain individuals to force Australian Workers Union members in certain parts of New South Wales to shear for something less than the price paid in Queensland and other parts of Australia, we shall not be going in the right direction. I sincerely hope the amendment will not be accepted, because I feel convinced that it would mean a good deal of mischief to the Commonwealth. I warn the Minister (Mr. Groom) that it will be to the advantage of no one if this amendment is accepted, for it will enable certain pastoralists to protect themselves by the present award, and certain unionists will regard themselves as justified in working under it.

Mr. RICHARD FOSTER (Wakefield) [9.39].—I bow readily and always to the knowledge and opinions of the honorable member for Hunter (Mr. Charlton) in coal-mining matters, respecting which he seldom goes astray, but he is entirely on the wrong track in what he conceives to be the intention of the amendment.

Mr. CHARLTON.—I do not know the intention, but the effect of such an amendment will be what I have said.

Mr. RICHARD FOSTER.—The honorable member is also on the wrong track as to the effect. The honorable member has referred to a new arrangement made by possibly three-fourths of the pastoralists in the Commonwealth; but that arrangement was made under pressure, because they knew that without it they could not get the wool off the sheep's back. This amendment does not concern that arrangement at all.

Mr. CHARLTON.—But it will concern it.

Mr. RICHARD FOSTER.—For, I suppose, from twenty to thirty years it has been the custom for station-owners, both in the settled areas and wayback, to arrange with certain men to do their shearing. These men enter into agreements and sign up to go from one station to another at award rates.

Mr. CHARLTON. — Could not all the sheep on the holdings referred to be sheared under such agreements?

Mr. RICHARD FOSTER.—I was going to say that that is the reason this amendment is moved——

Mr. CHARLTON.—It is the reason for my opposing it.

Mr. GABB.—This is what we expected.

Mr. RICHARD FOSTER.—What did you expect?

Mr. GABB.—Just what you are telling us now.

Mr. RICHARD FOSTER.—How do you know what I am going to tell you?

Mr. GABB.—You have already told us something.

Mr. RICHARD FOSTER. — I have not told you anything, but if the honorable member will possess his soul in patience, I shall proceed to tell him.

Mr. RYAN.—What have you been doing up to now?

Mr. RICHARD FOSTER. — Simply telling some honorable members where they are wrong. As I was saying, for many years past, station-owners in the north of South Australia, right up to the Queensland border, have been in the habit of engaging their shearers in Adelaide, under agreements, to shear first one station and then another, right through the season. Until very recently that has been done at award rates. Recently, however, for some reason or other, the union has forbidden men to enter into such agreements, and insists that they shall sign their agreements on the stations. Let me say here, that under the arrangements which have prevailed until quite recently, station-owners were able to employ the same men year after year; and this proved of great mutual advantage.

Mr. FENTON.—Could not the same be done without signing?

Mr. RICHARD FOSTER. — Why should it be done without signing? The employer is responsible for the fares of the men, and if the agreements were not signed in the city there would be no obligation on the part of the men to sign on when they arrived at the station. I may say that a good many of the station-owners in South Australia get on very well with the union's principal representative, and for years there has been no trouble, the shearing going on like music until completion. Why should the men not be allowed to do as in the past, for, as the honorable member for Hunter must admit, it is a sound business proposition? That is proved by the success of the system.

Mr. MAKIN.—If there were a variation of the award covering the industry, would the persons who signed the agreement get the benefit of the variation?

Mr. RICHARD FOSTER. — Undoubtedly. They would sign on in the terms of the award or any constitutional variation of it. My complaint is that men were not allowed to sign on under a recognised award.

Mr. PARKER MOLONEY.—This amendment would not allow them to do that.

Mr. RICHARD FOSTER.—It would; the agreement would be subject to the award existing up to the time of the engagement, or at the time of the shearing, if honorable members would prefer that. I am dealing with the complaint which has been in existence for the last year or

two, and which has been a very great grievance. The men desired to sign on. They had worked on the same stations before, and knew that the owners were splendid employers.

Mr. Fenton.—Does the honorable member think that even if the amendment were carried the men would sign on if the organization did not wish them to do so?

Mr. RICHARD FOSTER.—Yes, certainly; because it would be the law and the men would be protected thereby. We are trying to get rid of industrial unrest, and this embargo in regard to signing on is one of the most unjustifiable things in connexion with industrial organization.

Mr. Ryan.—What evidence of that has the honorable member?

Mr. RICHARD FOSTER.—I have the evidence of both station-owners and shearers, and I was delighted when the honorable member for Dampier (Mr. Gregory), at the instance of those engaged in the pastoral industry in Western Australia, submitted his amendment. On the grounds of business and common sense, the proposal should commend itself to honorable members on both sides.

Mr. PROWSE (Swan) [9.51].—I support the amendment. This will apply more particularly to shearing and cane-cutting and other seasonal industries. In Western Australia the custom has been from time immemorial for the squatters to sign on men at centres like Perth and Geraldton. The arrangement suits both sides, because the men desire to know the station to which they are going, and the squatters desire to know the complement of shearers. The object of the amendment is not trickery, but to insure that one of Australia's greatest industries shall be allowed to progress without undue molestation and interference. The embargo on the signing on of the shearers disturbs the regular course of business in the industry.

Mr. Charlton.—Does not the honorable member see what will be the effect of it? Three-fourths of the shearers are receiving higher wages than are prescribed in the award; other men are working for lower rates, and this amendment will legalize their action.

Mr. PROWSE.—I am perfectly agreeable to support an alteration of the amendment in order to insure that the signing on shall be subject, not only to the award ruling at the time of signing, but to any variation thereof before the shearing terminates.

Mr. Charlton.—Three-fourths of the shearers are receiving rates that are not provided in an award, but are the subject of an agreement with the pastoralists.

Mr. PROWSE.—Why should not men be allowed to sign on with an employer if he agrees to keep within the four corners of an award, and the housing conditions under the Act, and to abide by any variation that occurs during the course of the contract?

Mr. Charlton.—The Court has never had a chance to amend the award in the shearing industry, but the new rates have been agreed to by three-fourths of the pastoralists.

Mr. PROWSE.—I understand that shearing in many parts of the Commonwealth has been held up simply because a new award has not been given, and the usual custom of signing on under the existing award has not been permitted. Some protection should be provided in those States in which the custom of signing on has been followed for so many years.

Mr. LAVELLE (Calare) [9.55].—I oppose the amendment. It is clear, particularly after the speech to which we have just listened, that the object of the proposal is to counter the Australian Workers Union in its efforts to obtain better conditions in the pastoral industry.

Mr. Richard Foster.—That is not so.

Mr. LAVELLE.—If the amendment is carried, even in the altered form suggested by the honorable member for Swan (Mr. Prowse), it will have the ultimate effect of nullifying the agreement which has been entered into between most of the pastoralists and the shearers. In the pastoral industry, there is one award in existence in Queensland, and another award for the rest of Australia, with the exception of Western Australia and Tasmania. The latter specifies rates of pay considerably below those contained in the agreement entered into between the pastoralists and the Australian Workers Union. If the amendment were agreed to, it would prevent members of the organization from obtaining the rates which the pastoralists have agreed to pay in every State except Queensland, where

there is a separate award, and Western Australia and Tasmania, where there are local agreements, and the central and eastern portions of New South Wales. The dispute in central and eastern New South Wales is confidently expected to terminate this week by the pastoralists agreeing to pay the new rates, and conceding the forty-four-hour week. Under the award, which is in operation in that State, the working week consists of forty-eight hours; the Queensland award prescribes forty-four hours. It is very necessary that the men should be prevented from signing on prior to commencing work. As a shearer, I know the conditions prevailing in the pastoral industry, and I say that men should not sign any agreement until they have reached the shed and seen the conditions under which they will have to work. On more than one occasion, I have attended the roll-call, and been prepared to commence shearing, except that the conditions in the huts, and the kitchen, and the cooking conveniences, were so deplorable that no men would commence work until they were rectified. If the men have signed on, they have no option but to commence work, and sue for a breach of the award. The shearing is finished before the Court can be moved in regard to any breaches. The only way that men can enforce their legitimate claims is by insisting upon the conditions being satisfactory before they sign an agreement. The Arbitration Court has fixed the rates for shearing and shed labour, and the working hours, but has not fixed the price at which meat is to be supplied to shearers. Honorable members know perfectly well that if some employers can only bulldoze their employees into signing the agreement before the roll-call, they will have no chance of getting their meat at a reasonable rate. If some employers have men bound hand and foot under an agreement, they will not give them anything that they have been depriving their employees of for so long. I say, as one who has been through the mill, that the employers will do nothing for their employees but what they are forced to do. If a man has not signed the agreement, and demands meat at a reasonable rate, in 99 cases out of 100 he will get what he demands. I claim to know as much about shearing conditions as does any other member of the Committee, and more than do honorable members who sit in the Ministerial corner. That is proved by the statements which some of them have made to-night in this chamber. As one who understands everything connected with the pastoral industry, I say that the amendment, and the later amendment suggested by the honorable member for Swan (Mr. Prowse) aim deliberate blows at the Australian Workers Union. It will not be in the best interests of that organization or of the pastoral industry if this amendment is carried. I oppose it, and I feel confident that the majority of honorable members will also oppose it.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [10.4].—I desire to make a few observations on the amendment moved by the honorable member for Dampier (Mr. Gregory). It looks very much as if this Federal Parliament, whose duty it is to legislate within the powers it possesses under the Constitution, is being asked in this case to give a decision upon a matter that has been a subject of contention in the Arbitration Court. In 1917 the Australian Workers Union were claimants in the Court. They asked the Judge to decide—

> That all shed hands shall be signed on at the advertised time of roll-call, and all vacant positions shall be ballotted for.

They asked that that condition should be inserted in the award by the Court. The Court turned down the application, and would not allow that condition to be put into the award. Then the organization made a rule of their own, which, as I am informed, is contained in the 1918 issue, to this effect—

> Members may forward deposits for pens, but shall not sign agreement prior to roll-call. Members employed in the pastoral industry must sign the award agreement before commencing work at any shed, a duplicate of which they must retain in their possession. Members failing to comply with this rule shall be fined £2.

That is a rule which they agreed to amongst themselves, binding the members of their organization. Organizations have perfect liberty under the law to make rules and regulations to control their affairs. An application was made on behalf of the pastoralists for the cancellation of the registration of the Aus-

tralian Workers Union as an industrial organization. The pastoralists did not really desire the deregistration of the union, but they were anxious that the Judge of the Arbitration Court should order this rule, which they regarded as objectionable, to be struck out of the rules of the organization, or that otherwise the organization should be deregistered. The application was to deregister, so as to compel the organization that made the rule to repeal it. The Judge refused that application on the ground that the rule was not contrary to law, or to the requirements of the Act. That was an industrial dispute between two organizations to decide whether or not a particular thing should be done.

Mr. Gregory.—The Judge said to the organization, "I will not give you what you ask." And the organization then said, "We will take it."

Mr. GROOM.—Yes; but they took it in accordance with the powers they possessed under the law. They did nothing illegal in passing the rule objected to. This appears to have been an industrial dispute between two organizations, and now it seems to me that this Parliament is being appealed to to give a decision in this case. I have tried to look at the matter fairly, and from a non-party point of view. An appeal is made to this Parliament to do something which a Judge of the Arbitration Court refused to entertain. I say that this Parliament should not be made a Court of Appeal from an industrial tribunal.

Mr. Gregory.—And we ought not to amend the law?

Mr. Richard Foster.—Though we are doing it all the time.

Mr. GROOM.—We are being asked to do something which, notwithstanding the opinion of counsel, it is doubtful whether we possess the power to do. We have the power to pass laws for the peace, order, and good government of the Commonwealth with respect to conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of a State. But we have not the power in this Parliament, by direct legislation, to settle disputes.

Mr. Rodgers.—Or even to inquire into them.

Mr. GROOM.—Or even to inquire into them. That is the difficulty I see in connexion with the amendment.

Mr. Richard Foster.—But we have power to amend the Conciliation and Arbitration Act.

Mr. GROOM.—We have; but only within our powers under the Constitution. We have not the power, by an amendment of the Act, to settle a dispute.

Mr. Richard Foster.—Will the Minister say that Parliament could not do something to provide for a common-sense business agreement?

Mr. GROOM.—So long as we direct our attention to conciliation and arbitration, we are within our powers. We can constitute Courts for that purpose.

Mr. Richard Foster.—We have not the power to deal fairly with both sides.

Mr. GROOM.—Yes, we have, by setting up a tribunal for the purpose. It is the function and duty of the Arbitration Court to settle a dispute; but that is not the function of this Parliament. If honorable members desire that we should have the power of regulation in industrial matters, they must bring about an amendment of the Constitution.

Mr. Gregory.—The honorable gentleman does not contend that we have not the constitutional power to do what I ask?

Mr. GROOM.—I say that it is a matter of grave doubt whether we have that power. The honorable member must realize that the matter with which he desires to deal has been the subject of an industrial dispute in the Arbitration Court. He should know that the Judge of the Court refused to insert in his award the condition to which I have referred, because he did not think it right to do so, and also refused to de-register the organization. That was distinctly for the Court to decide.

Mr. Ryan.—The honorable member for Dampier (Mr. Gregory) must have known that when he was speaking, and suppressed it.

Mr. GROOM.—I am sure the honorable member for Dampier did not know anything of the sort. From what I know of him, that would not be in accord with his methods or tactics. I listened to him carefully, and I am sure that he put his case fairly.

Mr. RYAN.—Then he put it without a full knowledge of the facts.

Mr. GROOM.—The honorable member may not have known all the facts. I suggest to the honorable member for West Sydney (Mr. Ryan) that in this chamber we shall get on very much better if we do not impute motives to each other.

This appears to have been an industrial dispute in the Court, and the Court is the proper authority to decide it. We cannot do by legislation indirectly what we have not the power to do by a direct Act of this Parliament. That is the legal difficulty which arises in connexion with the amendment, and about which doubts have been expressed, and I therefore ask the honorable member for Dampier not to press it.

Mr. RICHARD FOSTER.—Then the honorable gentleman contends that, under the Constitution, this Parliament has nothing to do with what an industrial organization does.

Mr. GROOM.—The honorable member must not put the matter in that way. I say that where it is a matter of an industrial dispute which comes within the cognisance and the authority of a Judge of the Arbitration Court to decide, this Parliament should not be appealed to to make the decision. It is the intention of the Constitution to give this Parliament the power to pass laws to enable such a matter to be the subject of conciliation and arbitration, and not to give us the power to give a decision which should be given by a conciliation tribunal.

Mr. RICHARD FOSTER.—I hope that the Minister will look into the matter carefully, because a very important question is involved.

Mr. GROOM.—I shall look into it carefully. Much that the honorable member for Dampier said appealed to me. I was impressed by his suggestion that there should be as much freedom as possible given to men to take up employment so long as they do not violate an award. The shearing industry is a very important one, and as shearing is carried on in different places, it is very desirable that it should be possible to organize the labour available so as to secure the best results. But a consideration of the merits of any industrial matter in dispute between organizations is not a duty for this Parliament to undertake. In the circumstances, I ask the honorable member not to press his amendment, as it seems to me that it is doubtful whether we have the power to give it effect. The question has been looked into carefully by the law officers of the Commonwealth, but I give honorable members the assurance that I shall have it further considered.

Mr. RICHARD FOSTER (Wakefield) [10.15].—I am not satisfied with the explanation given by the Minister for Works and Railways (Mr. Groom). I do not want to place my opinion against that of the Minister on constitutional questions, but it is absolutely inconceivable that a practical piece of common sense business which has been proceeding for the past twenty or thirty years or more should be outside the province of this Parliament. If the Minister's statement is correct the sooner the Constitution is amended, if that is necessary, the better it will be, because it is simply an outrage.

Mr. GROOM.—We have no power to pass direct legislation on labour matters throughout the Commonwealth. We cannot pass a common rule.

Mr. RICHARD FOSTER.—Do I understand that the President of the Arbitration Court refused their request.

Mr. GROOM.—Yes, because they were there on a question of conciliation and arbitration. It is left to his discretion.

Mr. RICHARD FOSTER.—It is assumed that the President looked upon it as unreasonable, and would not sanction it.

Mr. RYAN.—The honorable member's point is that if the Court has power this Parliament ought to have the power.

Mr. RICHARD FOSTER.—Yes.

Mr. GROOM.—But it has not.

Mr. RICHARD FOSTER.—This is not a party question, and I am contending for a principle that is as much in the interests of the shearers as it is in the interests of the employers. It is based on ordinary business methods, and if we are going to submit to another principle that is likely to be a further impediment to industrial operations in this country it is time, in the public interest, that it was rectified.

Mr. BRENNAN.—Will the honorable member explain how this amendment affects the point he is dealing with?

Mr. RICHARD FOSTER.—It provides that the shearers shall sign an agreement and secure continuous work, and that is what they have been doing for twenty years.

Mr. LAVELLE.—It means that they will be bound hand and foot before they go to a shed.

Mr. RICHARD FOSTER.—Nothing of the kind. I am merely repeating what the shearers have told me. They do not want to be handed over to the tender mercies of some individuals at the sheds. The practice has been in vogue for twenty or thirty years, during which time the Australian Workers Union has grown to the biggest thing of its kind in any part of the world. I am desirous of dispensing with that which is responsible for most of the industrial unrest in Australia, and I ask the Minister to allow this clause to be postponed to enable honorable members to ascertain whether his statement as to the power of this Parliament is correct or not.

Mr. CUNNINGHAM (Gwydir) [10.20].—I do not think the honorable member for Wakefield fully understands the position.

Mr. GROOM.—Ask leave to continue.

Mr. CUNNINGHAM.—I ask leave to continue my remarks at the next sitting.

Leave granted.

Progress reported.

ADJOURNMENT.

MEN OF THE ROYAL AUSTRALIAN NAVAL BRIGADE.

Motion (by Sir JOSEPH COOK) proposed—

That the House do now adjourn.

Mr. MAKIN (Hindmarsh) [10.21].—I desire to utter a word of protest concerning the treatment meted out to some of the ex-members of the Royal Australian Naval Brigade, "M" class, who were disbanded on the eve of the visit of the Prince of Wales to Adelaide. I have endeavoured to find an opportune time to bring this matter before the House, and I thought I would have an opportunity on grievance-day, but there was insufficient time.

The men who were recently disbanded rendered valuable service to Australia as members of the Royal Australian Naval Brigade. Some had served from ten to thirty-three years, and notwithstanding this, were notified by circular from the Navy Office that the force was being disbanded, and that they were to report themselves on 29th July to receive one year's retaining fee and their discharge. I understand that no word of appreciation of their work has come from the Navy Office, and that the district naval officer was not in attendance when the men were disbanded. Whilst an apology was tendered on behalf of the district naval officer for his absence, there has been a lack of recognition of the valuable services rendered. They were called up in 1914 by proclamation, and performed very valuable work in guarding wireless stations, on various merchantmen, and on enemy vessels lying in our ports. They were subjected to many disabilities, and had to work excessively long hours, for which they received very little or no recognition in the way of extra pay. I have in my possession a statement which shows that on many occasions they were required to work many more than eight hours, and that some of them were not in receipt of more than an able seamen's pay of 5s. per day. The claim these men make that they should come under the provisions of the war-time measures that have been passed by this House in recognition of services rendered is worthy of consideration. A number of the men were drafted overseas, and, of course, there were others in the same brigade who were compelled to remain in Australia, although they desired to go abroad. Naturally, they feel that they have as good a claim for consideration by the Government as some of those who rendered service abroad by taking work on transports, and who are allowed to participate in the benefits provided under the Repatriation Act, War Service Homes Act, War Gratuity Act, and other measures. Some of the men were employed in isolated places such as Neptune Island and Cape St. Albans for months at a time, and many of them were compelled to give up permanent employment, which they could not regain on being disbanded. Honorable members will recognise that in consequence of the service they were compelled to render they had to make sacrifices in regard to seniority and in other

ways. I trust the Government will give favorable consideration to my request, and see that the men will be able to receive benefits under the measures that have been passed to assist soldiers. There are many details which I could bring before the House, but in consideration for honorable members and the hours they are required to sit, I shall content myself by saying that there is every justification for giving the case of these men further consideration. I trust the Minister for the Navy (Mr. Laird Smith) will investigate the claims of these men who have rendered such valuable service, not only during the war, but in times of peace, and who, on the outbreak of hostilities, were subject to compulsory service by proclamation.

Mr. Makin.

Question resolved in the affirmative.

House adjourned at 10.28 p.m.

Members of the House of Representatives.

Speaker—The Honorable Sir Elliot Johnson, K.C.M.G.

Chairman of Committees—The Honorable John Moore Chanter.

...ton, Frank ..	..	Bourke (V.)
...Lewelyn	..	Wilmot (T.)
...Hon. Frederick	Herbert	(Q.)
...mes Garfield ..	Oxley	(Q.)
...e John, C.M.G.,	Darwin	(T.)
... Sir Robert	Kooyong	(V.)
...K.C.M.G.		
...rthur ..	Darling	(N.S.W.)
...on. Reginald	Adelaide	(S.A.)
...ic Kendall ..	Nepean	(N.S.W.)
...ank ..	Batman	(V.)
...y Melbourne,	Flinders	(V.)
...eginald John,	Fremantle	(W.A.)
...Donald Charles,	Brisbane	(Q.)
...D.S.O.		
...s Howard ..	Cook	(N.S.W.)
... Hon. John	Riverina	(N.S.W.)
...on Austin ..	Eden-Monaro	(N.S.W.)
...tthew † ..	Hunter	(N.S.W.)
...chael Patrick	Barrier	(N.S.W.)
...t. Hon. Sir	Parramatta	(N.S.W.)
...P.C., G.C.M.G.		
...ert	Indi	(V.)
...Edward Bernard	Wide Bay	(Q.)
...am, Lucien	Gwydir	(N.S.W.)
...nce		
..., James Edward ..	Maribyrnong	(V.)
...ng, William Mont-	Robertson	(N.S.W.)
...herie		
...r, Hon. Richard	Wakefield	(S.A.)
...tty		
...wler, Hon. James	Perth	(W.A.)
...Mackinnon		
...ancis, Frederick Henry	Henty	(V.)
...bb, Joel Moses ..	Angas	(S.A.)
...bson, William Gerrand	Corangamite	(V.)
...reene, Hon. Walter	Richmond	(N.S.W.)
...Massy		
Gregory, Hon. Henry ..	Dampier	(W.A.)
Groom, Hon. Littleton Ernest	Darling Downs	(Q.)
Hay, Alexander ..	New England	(N.S.W.)
Higgs, Hon. William Guy	Capricornia	(Q.)
Hill, William Caldwell ..	Echuca	(V.)
Hughes, Right Hon. William Morris, P.C., K.C.	Bendigo	(V.)
Jackson, David Sydney ..	Bass	(T.)
Johnson, Hon. Sir Elliot, K.C.M.G.	Lang	(N.S.W.)
Jowett, Edmund ..	Grampians	(V.)
[5]Kerby, Edwin Thomas John	Ballarat	(V.)
Lamond, Hector ..	Illawarra	(N.S.W.)
Lavelle, Thomas James ..	Calare	(N.S.W.)
Lazzarini, Hubert Peter ..	Werriwa	(N.S.W.)
Lister, John Henry ..	Corio	(V.)
Livingston, John ..	Barker	(S.A.)
Mackay, George Hugh ..	Lilley	(Q.)
Mahon Hon Hugh ..	Kalgoorlie	(W.A.)
Mahony, William George ..	Dalley	(N.S.W.)
Makin, Norman John Oswald	Hindmarsh	(S.A.)
Maloney, William ..	Melbourne	(V.)
Marks, Walter Moffitt ..	Wentworth	(N.S.W.)
Marr, Charles William Clanan, D.S.O., M.C.	Parkes	(N.S.W.)
Mathews, James ..	Melbourne Ports	(V.)
Maxwell, George Arnot ..	Fawkner	(V.)
[1]McDonald, Hon. Charles ..	Kennedy	(Q.)
[6]McGrath, David Charles ..	Ballarat	(V.)
McWilliams, William James	Franklin	(T.)
Moloney, Parker John ..	Hume	(N.S.W.)
Nicholls, Samuel Robert ..	Macquarie	(N.S.W.)
Page, Earle Christmas Grafton	Cowper	(N.S.W.)
Page, Hon. James ..	Maranoa	(Q.)
Poynton, Hon. Alexander ..	Grey	(S.A.)
Prowse, John Henry ..	Swan	(W.A.)
Riley, Edward	South Sydney	(N.S.W.)
Rodgers, Hon. Arthur Stanislaus	Wannon	(V.)
Ryan, Hon. Thomas Joseph, K.C.	West Sydney	(N.S.W.)
Ryrie, Sir Granville de Laune, K.C.M.G., C.B.	North Sydney	(N.S.W.)
Smith, Hon. William Henry Laird	Denison	(T.)
Stewart, Percy Gerald ..	Wimmera	(V.)
Story, William Harrison ..	Boothby	(S.A.)
Tudor, Hon. Frank Gwynne	Yarra	(V.)
[3]Watkins, Hon. David ..	Newcastle	(N.S.W.)
Watt, Right Hon. William Alexander, P.C.	Balaclava	(V.)
West, John Edward ..	East Sydney	(N.S.W.)
Wienholt, Arnold ..	Moreton	(Q.)
Wise, Hon. George Henry	Gippsland	(V.)

1. Sworn 27th February, 1920.——2. Sworn 3rd March, 1920.——3. Appointed Temporary Chairman of Committees, 4th March 1920.——4. Made affirmation, 5th March, 1920.——5. Election declared void, 2nd June, 1920. ——† Sworn 11th May, 1920.——6. Elected 10th July, 1920. Sworn 21st July, 1920.

Heads of Departments.

Senate.—G. H. Monahan.

House of Representatives.—W. A. Gale, C.M.G

Parliamentary Reporting Staff.—B. H. Friend, I.S.O.

Library.—A. Wadsworth.

Joint House Committee.—F. U'Ren.

The weekly issues of Parliamentary Debates are supplied gratuitously, on application, for use in Public Libraries, and also in Schools of Arts, Mechanics' Institutes, Debating Societies (having not less than fifty members), and similar institutions.

Applications on behalf of the above-mentioned institutions should be addr... the Honorable the President or the Honorable the Speaker.

Subscriptions should be sent to the Government Printer, Melbourne.

B. HARRY FRIEND
Principal Parliamentary R...

COMMITTEES.

SENATE.

DISPUTED RETURNS AND QUALIFICATIONS.—Senator Fairbairn, Senator Gardiner, S... W. Glasgow, Senator Keating, Senator Lynch, Senator Pratten, and Senator Ser...

STANDING ORDERS.—The President, the Chairman of Committees, Senator de Largie, Se... Senator Earle, Senator Elliott, Senator Foll, Senator Gardiner, Senator R. S... Senator Lynch.

LIBRARY.—The President, Senator Benny, Senator Bolton, Senator de Largie, Sena... Senator Keating, and Senator Pratten.

HOUSE.—The President, the Chairman of Committees, Senator Buzacott, Senator J. ... Senator Rowell, Senator Thomas, and Senator Wilson.

PRINTING.—Senator Adamson, Senator Cox, Senator J. D. Millen, Senator Newland, ... Plain, Senator Reid, and Senator Senior.

PUBLIC ACCOUNTS COMMITTEE (JOINT).—Senator Bolton, Senator Buzacott, and Senator J. D. ...

PUBLIC WORKS (JOINT).—Senator Foll, Senator Newland, Senator Plain.

HOUSE OF REPRESENTATIVES.

STANDING ORDERS.—Mr. Speaker, the Prime Minister, the Chairman of Committees, Mr. Atkin... Mr. Charlton, Mr. Fowler, and Mr. Tudor.

LIBRARY.—Mr. Speaker, Mr. Anstey, Mr. Fleming, Mr. Fowler, Mr. Higgs, Mr. Lamond, Mr. Mack... Mr. Maxwell, Dr. Maloney, and Mr. McDonald.

HOUSE.—Mr. Speaker, Mr. Foster, Mr. Gregory, Mr. Livingston, Mr. Mathews, Mr. James Page, Mr. Rodgers, and Mr. Watkins.

PRINTING.—Mr. Bamford, Mr. Bowden, Mr. Corser, Mr. Fenton, Mr. McWilliams, Mr. Riley, and Mr. West.

PUBLIC ACCOUNTS (JOINT).—Mr. Bayley, Mr. Charlton, Mr. Fenton, Mr. Fleming, Mr. Fowler, Mr. Prowse, and Mr. West.

PUBLIC WORKS (JOINT).—Mr. Atkinson, Mr. Bamford Mr. Gregory, Mr. Mackay, Mr. Mathews, and Mr. Parker Moloney.

SEA CARRIAGE SELECT COMMITTEE.—Mr. Atkinson, Mr. Burchell, Mr. Corser, Mr. Foster, Mr. Mahony, Mr. McWilliams, and Mr. Watkins.

Printed and Published for the GOVERNMENT *of the* COMMONWEALTH *of* AUSTRALIA *by* ALBERT J. MULLETT, *Government Printer for the State of Victoria.*